



**HILLTOWN TOWNSHIP POLICE DEPARTMENT
Bucks County, Pennsylvania**

GENERAL ORDER 2.4.2

Subject

Body Worn Cameras and Mobile Video Recorders

Date of Issue

Effective Date

Expiration Date

09/27/2019

09/27/2019

Until Amended/Rescinded

PLEAC STANDARD Reference

PLEAC 2.4.2

Amends

Rescinds

N/A

N/A

Index Words

Body Worn Camera (BWC), Mobile Video Recorder (MVR)

Distribution

Policy and Procedures Manual; All Personnel

This order contains the following sections:

2.4.2 Procedure

I. Purpose

To provide public accountability and transparency for the actions performed by personnel of the Hilltown Township Police Department, foster professionalism and integrity, enhance prosecutions and officer safety, reduce violent confrontations whenever possible, and protect officers and the department from false claims of impropriety and frivolous lawsuits while protecting the privacy rights of all parties being recorded.

Furthermore, to establish guidelines for the proper and lawful operation of body worn camera and mobile video recorder systems, capable of recording both audio and video, utilized by the officers of the Hilltown Township Police Department, and to establish the media and protocols for the storage, retention, duplication, and purging of captured recordings.

Officer safety is a paramount concern. At no time will, nor will an officer be expected to, place themselves or others in danger of physical harm in order to operate a BWC or MVR pursuant to the provisions of this policy.

This policy cannot, and should not be expected to, cover every possible scenario or circumstance pertaining to the issue of Body Worn Cameras and Mobile Video Recorders but makes a reasonable and good faith effort to cover the majority of the known and anticipated issues regarding the implementation and use of this equipment. Issues not covered herein will be addressed based on current industry best practices, case law or other applicable professional standards.

II. Policy

Body Worn Cameras (hereinafter BWC or BWCs) and Mobile Video Recorders (hereinafter MVR or MVRs) are hereby authorized for use by officers of the Hilltown Township Police Department and will be deployed, whenever possible, in a manner consistent with the provisions outlined in this policy, and all current applicable Pennsylvania and federal laws, including the PA Wiretapping and Electronic Surveillance Control Act, 18 Pa. C.S. §5704. BWCs/MVRs are viewed as a valuable asset intended to assist officers in the prosecution of certain offenders and to augment an officer's testimony with a video and/or audio and/or photographic record of the incident. The BWC/MVR is in many respects analogous to a modern day notepad used by officers in order to properly document facts surrounding an incident. BWCs/MVRs are an effective tool that can reduce violent confrontations and personnel complaints against police. The recording can further assist officers to prepare for and present court testimony.

Additionally, the captured BWC/MVR data shall assist in the evaluation of policies and procedures, tactics, communications, public service, and officer safety as they are applied in the field.

The BWC/MVR will enable department administrators to conduct periodic reviews of officer-citizen contacts and interactions for quality control purposes and will further be used in the investigation of citizen complaints and for training purposes.

III. Definitions

Activate(d) – Meaning the mode of a body worn camera in which it is actively recording and saving audio and/or video of an event.

Body Worn Camera (BWC) – Meaning an electronic device or system which is capable of capturing audio and/or video and worn by an individual officer. The Hilltown Township Police Department has adopted the use of the WatchGuard Vista Model WGA00600 body worn camera or subsequent versions thereof, which is an approved device as published in the PA Bulletin.

Buffering or Standby Mode – Meaning the mode of a body worn camera in which the device is turned on and is recording but is not being saved until the device is activated manually by the officer or upon being triggered by an MVR, if applicable.

Deactivate(d) – Meaning the mode of a body worn camera in which it is returned to a buffering or standby status.

Facial Recognition – The process of biometric identification accomplished by electronically scanning a person's face and comparing it to a library of known faces using software/programs.

File(s) – Meaning the video and/or audio, images or combination thereof and the media containing such files.

Mobile Video Recorder (MVR) – Meaning an electronic device or system designed to be mounted in a vehicle which is capable of capturing audio and/or video, interior and exterior. The MVR system will generally have a remote microphone or integrated BWC to capture audio. The Hilltown Township Police Department has adopted the use of the WatchGuard 4RE MVR system or subsequent versions thereof, which is an approved device as published in the PA Bulletin.

Post-Event Capture – Meaning a segment of video (no audio) which captures or saves video subsequent to the body worn camera/mobile video recorder being deactivated, or returned to the buffering or standby mode, by the officer.

Pre-Event Capture – Meaning a segment of video (no audio) which captures or saves video events that occurred prior to the officer activating the body worn camera/mobile video recorder.

2.4.2 PROCEDURE

A. ADMINISTRATION

1. The department has adopted the use of the BWC/MVR to accomplish several objectives. The primary objectives are as follows:
 - a. Allow for the accurate documentation of police-public contacts, arrests, and critical incidents as an independent witness. They also serve to enhance the accuracy of reports and courtroom testimony.
 - b. Recordings enhance the department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
 - c. Document crime, crash/accident scenes and other events including the confiscation and documentation of evidence and contraband.
 - d. Used as a tool to assure compliance with policies and professional standards and for training purposes. By adopting the use of this equipment, it is not the intent or purpose to be overly critical of an officer or to search for violations of policy and/or law in order to implement disciplinary action. However, policy and law violations discovered will be addressed according to the seriousness of the violation. Minor policy or standards infractions will be handled as an opportunity for training and/or informal counseling to address the issue(s). Repeated or continued violations following any training or counseling may be cause to address the violations through progressive discipline measures.
2. Prior to using a BWC/MVR, officers shall receive department-approved training on its proper operation and care and the department's policy with respect to the proper use of the equipment. Additional training shall be provided at periodic intervals to ensure the continued effective and optimal use of the equipment, proper operation and performance, and to incorporate changes, updates or other revisions in policies or equipment.
3. BWC/MVR and related equipment should be used with reasonable care to ensure proper functioning and longevity. Officers shall inspect and test the BWC/MVR prior to each shift pursuant to their training and manufacturer recommendations. The date and time must present accurately and if necessary, document significant time discrepancies with the actual time. Equipment malfunctions shall be documented and the unit placed out of service when the situation dictates to avoid a malfunction in the field and another unit issued, when available. If another unit is not available, the officer should note that fact in their Daily Log. Malfunctions, or units placed out of service, should be brought to the attention of the officer's supervisor and the chief, or other assigned designee, when necessary.
4. BWC/MVR shall be used only by uniformed law enforcement personnel working in the Patrol Division, or other authorized personnel clearly identified as law enforcement, and worn in a conspicuous position as per this policy and manufacturer recommendations. Administration or other personnel working in uniform but not in a Patrol capacity shall not be required to use this equipment unless circumstances dictate otherwise.

5. An officer shall strive to be in as close proximity as practical, based on the circumstances, when an individual's oral communication is being intercepted. An officer shall not knowingly record the oral communication, or audio, of persons not in the officer's immediate proximity and should take reasonable precaution to avoid capturing such communication.
6. It is suggested that an officer verbally provide notice, as soon as reasonable possible, to inform those persons identifiably present that their oral communication is being, or has been, intercepted and recorded. If given, the brief verbal announcement notifying these persons that they are being recorded should be made clearly and intelligibly so that the persons identifiably present have a reasonable opportunity of hearing and understanding the notice. **(PLEAC 2.4.2 b)**
 - a. It should be noted that verbal notice is not required by law.
7. BWCs/MVRs shall not be deactivated until the enforcement action/interaction is completed unless otherwise indicated herein.
 - a. Officers may mute the BWC/MVR during periods of official inactivity not directly related to the incident or for other authorized purposes as authorized herein.
 - (1.) Muting of the Vista BWC is accomplished by depressing the side Display Backlight button. Audio will be muted while the button remains depressed and will be unmuted upon release of the Display Backlight button.
 - (2.) In the event of anticipated extended periods of non-incident related activity, the BWC may be returned to the buffering or standby mode but must be reactivated before resuming official activity as part of the incident or reengaging with the involved subjects.
 - (3.) Officers shall use extreme caution when making the decision to mute or otherwise deactivate a BWC/MVR so as to not create the impression that the action was done with the intent to not to capture critical information or interaction with the involved subjects.
8. Officers shall not edit, alter, erase, duplicate, copy, possess or otherwise distribute, in any manner, BWC/MVR images and information without the prior written approval of the Chief of Police or their designee. This shall include the taking of, or display of, video, audio or photographs with personal cellular phones, or similar devices, for other than official purposes.

B. EQUIPMENT

1. The police department utilizes WatchGuard Vista and 4RE audio/video recording devices, BWCs and MVRs, respectively, but reserves the authority to employ devices from other manufacturers and/or models as it deems appropriate and necessary. These devices, and any subsequent authorized makes or models, shall be the only BWC/MVR approved for use by officers of this department and shall be governed by all applicable sections of this policy. The BWC and MVR equipment and all data, images, video, and metadata captured, recorded or otherwise produced by the equipment is the exclusive property of the Hilltown Township Police Department.
 - a. It should be noted that the department currently has a variety of Digital Ally MVR models, 500+, 700 & 800, in use. These MVRs are incorporated into this policy and

all such devices are approved for use and all germane provisions of this policy shall be applicable.

2. All officers, including supervisors, who are assigned a BWC/MVR must complete the agency approved training program to ensure proper use and operation of the unit, related equipment, and software. Additional training may be required periodically to ensure the continued effective use, operation and performance of the equipment, and to incorporate changes, updates or other revisions in policy, law and equipment.
3. BWCs are to be worn as close as possible to the center of mass on the officer's body (chest area) and on the outermost piece of clothing to allow for unimpeded recording and visibility of the unit. The BWC is to be affixed to the buttoned placket of the officer's uniform shirt, external vest carrier or jacket, or similar location, utilizing the provided method of attachment, or other approved position and attachment method. Other locations may be approved as long as the recordings properly capture the intended video/audio without obstruction.
 - a. Officers wearing a jacket or other outer garment will not cover or obstruct the view of the BWC. Officers may only cover the BWC if inclement weather conditions make it likely that exposure to the elements would damage the unit or render it inoperative. If this preventive action is necessary, the BWC must still remain activated to at least capture audio of the incident.
 - b. In order to reduce audio and/or video interference with the BWC, the officer's portable radio remote microphone will not be affixed in the immediate proximity to the BWC.
 - c. The remote microphone of an MVR shall be worn in a similar fashion to allow for the unimpeded capture of audio communications.
 - d. Officers must be mindful of the positioning of the MVR/BWC, and their respective points of view, in relation to the intended event to be captured and make adjustments as required to assure the event is properly documented.
4. Officers assigned to the patrol division, or any other uniformed duty or assignment, will wear a BWC, as an authorized and approved part of their uniform of the day, whenever a BWC is available for use. Uniformed officers engaged in training or non-patrol related activities, i.e. office assignment, shall not be required to wear a BWC unless the situation dictates otherwise.
 - a. Each BWC has a unique serial number and has been assigned an internal tracking identification number. If an officer is assigned a specific BWC, the officer will use the assigned device unless the assigned device is out of service or charging/uploading.
 - b. At the start of each shift, detail or assignment and before undocking the BWC, the officer must "checkout" or sign out the BWC as per manufacturer protocols through the VISTA Dashboard in Evidence Library. The BWC's assigned internal tracking number should be documented on the officer's Daily Log. If no BWC is available, the officer must make a note advising of same on their Daily Log. When applicable, the BWC must be synced to the 4RE In-Car MVR system according to manufacturer protocols.
 - c. The BWC is to be worn with the unit turned on and in the buffering or standby mode. In this mode the BWC will continuously record but will not save the video captured (no audio) until it is placed in the active mode which will then capture and save both audio and video. The remote microphone of an MVR shall be worn in a similar state

or mode. Officers must be cognizant that BWCs have a pre-event recording capture feature and MVR's have both a pre-event and post-event recording capture feature. The periods of pre-event and post-event capture are set administratively and are subject to review and modification based on operational needs.

(1.) The current BWC setting for pre-event capture is 45 seconds.

(2.) The current MVR setting for pre-event capture is 60 seconds and post-event capture is 15 seconds.

- d. At the end of each shift, detail or assignment, the officer must place the BWC in the docking station in order to charge the unit and upload the media files.
- e. The BWC, MVR and related equipment are the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning and longevity of the equipment. Malfunctions, damage or loss will be immediately documented and brought to the attention of the supervisor and/or Chief of Police. When necessary, the officer will procure another BWC for use as soon as practicable.

C. OPERATION (PLEAC 2.4.2 A)

1. The use of the BWC allows for a documented, firsthand, and objective account of an incident from start to end. Therefore, officers will activate their BWC with a single press of the Record Start/Stop Button on the front of the BWC, unless automatically triggered by way of the 4RE In Car MVR system, immediately upon acknowledging dispatch to a call for service or in the performance of an active event as soon as it is safe to do so. This will allow the maximum amount of information regarding the event to be captured, such as events that transpire while en route to a call for service and during motor vehicle stops.
 - a. Officers will activate the BWC/MVR, as soon as practicable, when responding to Priority 1 calls, as defined in General Order 2.01, Patrol Operation and Equipment.
 - b. Officers will activate the BWC/MVR, as soon as practicable, when responding to Priority 2 calls, as defined in General Order 2.01, Patrol Operation and Equipment, or other Priority level calls, only when the specific nature of the call dictates according to the officer's training and experience.
 - c. Otherwise, Priority 2 and lower level calls do not require BWC activation until the officer arrives at the scene of the call.
2. The BWC/MVR will be utilized by uniformed officers to record all contacts with citizens in the performance of official duties, including calls for service, motor vehicle stops, field interviews, investigative detentions, checkpoints, and for any other action/incident where, based upon the circumstances and the officer's experience, training and instincts, it is necessary or prudent to create a recording. **(PLEAC 2.4.2 B)**
 - a. General public contacts do not need to be recorded. However, when a situation would evolve, or otherwise escalate, to a point of contention, consternation or possible conflict, the officers should activate the BWC/MVR as soon as practicable and verbally provide notice to the person(s) involved regardless of the particular setting.

3. BWCs/MVRs will remain activated for the entire duration of an event, including any subsequent transport of a subject, regardless of custody status and during in-custody processings at live-scan.
 - a. BWCs/MVRs may be deactivated or returned to the buffering or standby mode, or otherwise muted, during periods of conversations, whether in person or on the phone, with other officers or other persons for strategic planning or other purposes.
 - b. If an MVR system is being utilized during transport or if the in-house surveillance system is being used, it is not necessary to duplicate recording. However, if the vehicle is not equipped with an MVR or if either the MVR or in-house surveillance system is known to be inoperative, the BWC should be utilized.
4. In order to prevent the recording of events unrelated to the call for service, officers at headquarters are authorized to deactivate their BWC when not in the presence of the complainant/defendant. Examples include the typing of complaints or other follow-up or unrelated activities at headquarters. The officer should narrate on the BWC the reason for the deactivation and immediately reactivate the BWC each time contact with the complainant /defendant is reestablished. However, there shall be no need to utilize a BWC while at headquarters when in an area or areas that capture audio and video during routine processes conducted at headquarters. An officer should reactivate the BWC during direct interaction with a subject if the situation would become hostile, confrontational, etc.
5. Any officer providing assistance or back up to another officer on a call for service or citizen contact will have their BWC/MVR activated until the assignment is cleared or their assistance is no longer needed.
6. Officers working special details or assignments in uniform will deploy with a BWC. Officers will activate the BWC in accordance with the procedures set forth in this policy if required to undertake official police actions, or during official officer-citizen contacts. Regular or normal police-citizen interactions need not be recorded unless the nature of the interaction should change.
7. When the BWC/MVR is activated, officers are encouraged to provide narration where practical and appropriate in an effort to augment the evidentiary value of the recording and to provide clarity to the viewer so long as this can be done without interfering with the incident or creating a distraction to the officers.
8. If an officer fails to activate the BWC/MVR when required, fails to record an entire event or interrupts a recording, the officer will as soon as practicable, notify their supervisor and officially document the non-compliance and detailing the reason(s) why the event was not captured. The supervisor will also document the non-compliance incident and circumstances. If the interruption in the recording is in accordance with this policy, no administrative reporting is necessary.
9. Officers will note in the underlying citation, incident, case reports and District Attorney Screening Memo when BWC/MVR recordings were made of a particular incident. BWC/MVR recordings are not a replacement or substitution for detailed written reports and may not be referenced in order to avoid providing written details describing the incident or event (i.e., See video for further details). It is also strongly suggested the officer document the reason for the lack of BWC/MVR or other video when appropriate due to damaged equipment, etc.
10. Civilians will not be allowed to review the recordings at the scene of contact. Officer complaints will be handled in accordance with departmental policies. All other requests

to view and/or obtain footage by the public will be forwarded to the Chief of Police and will be handled in accordance with department policies and subject to the same statutory exemptions as provided by law (**PLEAC 2.4.2 C**). However, officer discretion is authorized to permit citizens to review video if it is expected to mitigate a potential complaint but may only be done with authorization of the shift Sergeant/OIC. If any video is shown to the civilian, it must be documented in the officer's incident report or daily log.

11. BWCs/MVRs are useful tools for documenting evidence, officer training, preventing and resolving personnel complaints by the public, and strengthening police performance, transparency, accountability, and public trust but are not a panacea. The HTPD recognizes that video images and sound cannot, and will not, always show the full or complete story, nor do video images and sound capture an entire scene. The HTPD further recognizes that recorded images and audio captured on the BWC, or MVR or other media, should not be viewed as the only measure of truth as it does not necessarily see or hear exactly what is seen, heard or perceived by the officer due to a number of factors, including, but not limited to, visual and/or audio exclusion during stress, camera perspective versus visual perspective of the officer. The use of a BWC/MVR does not lessen the need to perform complete and thorough investigations to verify and confirm all aspects of the incident and to provide thorough written documentation of an incident when indicated.

- a. Officers of the Hilltown Township Police Department:

- (1.) Shall use the issued BWC/MVR during interviews with suspects, crime victims and witnesses. Officers shall have the discretion on whether to use the BWC/MVR when interviewing crime victims in situations involving sexual assault, abuse or other sensitive matters. Officers are not required to record informal, non-official, interactions with members of the public.
 - (a.) The BWC/MVR video should not necessarily be considered a substitute for a written statement or other formal interview of a victim, witness or suspect unless the situation dictates. It should be used to supplement those options.
 - (b.) Officers have the discretion to temporarily mute a recording when they are obtaining or discussing confidential information or at the request of the victim/complainant but should narrate the purpose of the muting.
- (2.) Shall use the BWC/MVR when responding to emergency calls (in-progress crimes, emergency light/siren response, etc.) for service and during law enforcement related encounters and enforcement activities, such as motor vehicle stops, arrests, searches, interrogations, and pursuits. Officers may activate the BWC/MVR upon their arrival at non-in-progress crimes or non-emergency response incidents.
- (3.) Shall **not** use the BWC when doing so would be unsafe, impossible, or impractical, but must articulate in writing the reasons and/or rationale for not activating the camera or state the reason on camera before deactivating it.
- (4.) Shall have the authority to intercept and record an oral communication between individuals if at the time of interception, the oral communication occurs inside the residence of any of the individuals as permitted by law
- (5.) Shall **not** intercept and record an oral communication between individuals if at the time of interception the communication occurs in any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, break room, etc. Exceptions:

- (a.) The officer is in a location pursuant to a valid search or arrest warrant.
 - (b.) Upon entering the location, the officer obtains permission to record.
 - (c.) The situation develops or devolves to the point the officer feels the situation should be recorded to protect himself/herself, department and other involved parties. In this circumstance, the officer should announce that recording has commenced, if possible.
- (6.) Shall **not** be required to activate the BWC/MVR when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney).
12. To stop actively recording and return the BWC to the buffering or standby mode, the Record Start/Stop Button on the front of the BWC must be pressed twice (administratively set) within a 5 second period or as indicated by the particular manufacturer.

D. DATA ACCESS AND RELEASE

1. When data is released to another criminal justice agency for trial or legitimate purposes, a duplicate copy shall be made, if not already done, and retained in evidence.
2. Data will not be released to any outside non-criminal justice entity, regardless of content, without the explicit authorization of the Chief of Police or his/her designee.
3. Digital copies for purposes not associated with the investigation or prosecution of violation of law will only be made and/or created subject to one of the following:
 - a. Permission of the Chief of Police or his/her designee. **(PLEAC 2.4.2 G)**
 - b. Pursuant to an order of a court having jurisdiction.
 - c. Pursuant to a request pursuant to the applicable act when subject to release.
 - d. The Chief of Police may choose to release a video, or portion thereof, if it is determined to be in the interest of public safety. The Chief of Police may consult with the District Attorney or other appropriate entity prior to the release of such video.
4. An individual who is a participant on the recording and intends to pursue, or is pursuing, a civil action, shall receive data pursuant to an order of the court or as required by the state/federal rules of civil procedure or state/federal rules of evidence.
5. Investigators and supervisors may obtain and utilize captured recordings to assist with related or associated investigations.
6. For internal training purposes, data may be used so long as its purpose is educational. This includes Field Training of new officers to demonstrate best practices, etc. and FTO's in order to complete Shift Observation Reports.
7. For external training purposes, data shall be disclosed consistent with written consent obtained from the officer and all participants.

8. Nothing in this section shall be construed as to restrict or compel the disclosure of the contents of evidence obtained from any BWC/MVR that is authorized or required by 18 Pa.C.S. §5717 and §5721.1.
9. BWC/MVR recordings are not subject to disclosure/release pursuant to the PA Right To Know Law.

E. FACIAL RECOGNITION SOFTWARE OR PROGRAMS

1. BWCs/MVRs do not have the capability of facial recognition, nor does the police department currently have any internal facial recognition software or programs to which recordings can be exported. (**PLEAC 2.4.2.K**)
2. In response to actual or suspected criminal activity, police personnel are authorized to employ the use of facial recognition software or programs available through outside resources, such as JNET, for investigative purposes, including but limited to identifying suspects, wanted persons, crime victims and/or missing persons.
3. Police personnel utilizing this software or programs to analyze data collected via a BWC/MVR shall have completed prior training in the proper use of this technology.
4. Any additional data generated by facial recognition software or programs shall be managed in the same manner as the original data collected by the BWC/MVR and treated as evidence.

F. CATEGORIES AND TAGGING.

1. Officers are to categorize and tag captured media immediately after the incident when practicable and prior to uploading the footage, whenever possible. Access to the footage will be done using department owned computer equipment. Once captured media is uploaded to evidence, officers will:
 - a. Place the captured media into the appropriate category. Multiple categories are possible, as such, an event should be labeled with as many categories on the list as applicable.
 - (1.) Incident categories are as follows, but are subject to modification based on administrative review and operational needs:
 - (a.) Traffic Warning
 - (b.) Traffic Citation
 - (c.) DUI
 - (d.) MV Pursuit
 - (e.) Other Traffic
 - (f.) Traffic Crash
 - (g.) Arrest
 - (h.) Offense
 - (i.) Incident
 - (j.) Other
 - b. If applicable, the corresponding incident number should be included with the uploaded media file.
 - c. If the event does not require an incident number (i.e. traffic citations), officers are encouraged to place the BCR CAD's PD incident number or other identifier, i.e. address of the call or where the video was taken.

- d. Add notes or mark captured media, as needed, to assist any investigation or review of the captured media.

G. RESTRICTIONS

1. BWC/MVR will be used only in conjunction with official law enforcement duties. The BWC/MVR will **not** be used to record the following:
 - a. Communications with other police personnel without authorization from the Chief of Police or his/her designee.
 - b. Encounters with undercover officers or confidential informants.
 - c. When on break or otherwise engaged in personal matters.
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, administrative meetings, and hospital room of a patient. This restriction shall also apply to privileged communications, such as, spouse, attorney, doctor, peer counselor, clergy or labor representative.
 - (1.) In the event that an officer should inadvertently capture a privileged or personal communication, or other sensitive situation, contrary to the provisions outlined herein, the officer will notify the Chief of Police in writing. The Chief of Police, or his/her designee, at his/her discretion, may view the video in part, or in its entirety, to evaluate the request and determine if the recording should be deleted/redacted and take the appropriate action. A record must be kept identifying the video deleted/redacted and why the action was taken.
 - e. All BWCs/MVRs should be presumptively turned off, or returned to buffering or standby mode, when an officer enters a hospital or school, until such time as the officer begins a specific investigation, or targets a specific subject. At that time, the officer should activate the BWC and announce that the BWC was turned on for the purpose of recording video and audio from that point.
 - f. All BWCs/MVRs should be presumptively turned off, or returned to buffering or standby mode, when an officer enters a courtroom and during court proceedings unless a circumstance dictates it should be activated.
 - g. Officers will be permitted to return the BWC/MVR to buffering or standby mode from the event mode after a citizen has been notified that a BWC is recording in the following situations:
 - (1.) Entering a building when consent of the owner, or other person with the authority to consent, to the entry is required and that person expressly declines permission to record video and/or audio inside the building. This does not apply to entry where consent is not required or no longer required once inside the home/building pursuant to a search or arrest warrant or in emergency or exigent circumstances.
 - (2.) The person with authority to consent, may at any time rescind or withdraw their permission to record.
 - (3.) When interacting with a victim or witness who refuses to cooperate if the BWC/MVR is in the event mode, the BWC/MVR may be turned off pursuant to

their wishes, if practicable and reasonable. If the officer is uncomfortable, based on a reasonable concern (i.e. lack of an additional officer being present), with complying with such a request, he/she may narrate the reason for the refusal to comply and continue recording.

(a). Under no circumstance shall an officer intentionally give the false impression that the BWC/MVR is off or in the buffering/standby mode when it is actually in the activated mode.

H. INSPECTION AND MAINTENANCE (PLEAC 2.4.2 D)

1. All recordings are maintained within the BWC/MVR system server and are authenticated by an internal audit program of the BWC/MVR system.
2. The BWC/MVR system is administered by the Chief of Police, or his/her designee. Only command personnel shall have the authority to access the system and delete video/audio files. Any assigned administrative users shall immediately notify the Chief of Police, or his/her designee, if the system or files are found to be compromised or accessed without proper authorization.
3. Officers will inform their supervisor, or the Chief of Police, of any recordings that may be of value for training purposes.
4. Officers will be permitted to view video of incidents for the purpose of preparing investigative reports and in preparation for court in order to assure accuracy and completeness of reports and testimony. Where applicable, Officers should document the video was made and if it was reviewed to assist in the preparation of the report and if specific, previously unknown, information was included in the report as a result of its discovery upon review of the video.

Furthermore, officers are permitted to review videos for the purpose of self-critique and field evaluations for officer training. In no event shall any recording be used for the purpose of subjecting any officer or civilian to ridicule or embarrassment.

- a. It is understood that times on official reports, videos, etc. will vary based on the source of the time and person documenting the time. As such, variations in times are expected based on the nature of police work and shall not be held against the officer(s).
5. If an officer is suspected of misconduct or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict access or viewing of video files by an officer(s) during the investigation. The involved officer(s) will be afforded the opportunity to view their video, and other videos pertaining to the event, in the presence of a labor representative and/or legal counsel.
6. Contents downloaded from the BWC/MVR shall be stored on a secure server system (**PLEAC 2.4.2 c**). All files and incorporated images, audio, etc. are the exclusive property of the department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited. This shall include the displaying of this data to unauthorized persons.
 - a. Copies of events captured on the BWC/MVR will not be released to anyone without the expressed authorization of the Chief of Police, or his/her designee.

I. SUPERVISORY RESPONSIBILITY.

1. Supervisory personnel will ensure that officers under their command utilize BWCs/MVRs in accordance with the procedures outlined herein, if so equipped.
2. A supervisor will immediately take custody of the BWC/MVR of any officer(s) that is involved in a serious incident to safeguard any captured footage of the event on the device(s). Such incidents include the use of deadly force, the use of force resulting in serious injury or death, serious motor vehicles crashes involving an officer, an event resulting in the incapacitation of the officer, or any other event which the supervisor deems it necessary to protect the video.
 - a. The supervisor that takes custody of the BWC will forward it to a command officer and see that the officer is issued another unit if appropriate.
 - b. A command officer will upload and tag any captured footage of the event.
 - c. The BWC/MVR will only be placed back in service after the footage is uploaded and with the approval of a command officer.
3. Supervisors are authorized to review the BWC/MVR footage of the officers under their command for policy compliance, procedural practices and tagging of evidentiary footage. Patrol supervisors will randomly select and review the minimum of two (2) events per month of each officer working under their supervision from the previous month's shifts for quality assurance purposes. At their discretion, Supervisors may review additional videos. Supervisors can have an officer bring up a specific video under the officer's login, if necessary. **(PLEAC 2.4.2 F)**

In addition to the above, a supervisor or command officer may at his/her discretion view any video of a subordinate officer that is of interest for supervisory purposes.

- a. The Supervisor should mark the selected videos in the BWC/MVR system as reviewed, if possible.
- b. Upon completion of the review, the reviewer shall prepare an administrative BWC/MVR memorandum, or subsequent report, documenting the review(s) along with any positive or negative activities observed and any recommendations for training, counseling and/or discipline resulting from review.
- c. All completed administrative BWC/MVR memorandums shall be submitted to the Chief or Police, or his/her designee, for further review and retained in a designated file.
- d. Separate from the above review, a random or specifically selected review of a selected officer's or officers' BWC/MVR footage may be conducted by a command officer at any time for quality assurance or if circumstances arise that indicates a breach of department policies, professional standards, misconduct or department integrity was, or is in jeopardy of being, compromised.
- e. Patrol supervisors or a command officer may review video for the purpose of documenting exemplary performance, heroic acts, or other actions worthy of commendation or other recognition.
- f. Disciplinary actions will not be initiated against any officer based solely on a video alone, without a complete and thorough internal investigation.

4. The Chief of Police, his/her designee, or other supervisor appointed by the Chief will be responsible for reviewing BWC/MVR events, in accordance with the above provisions, in an effort to ensure the equipment is operating properly, assess officer performance and adherence to policies and professional standards, and identify training needs and videos of interest for training purposes.

J. DATA STORAGE, DISSEMINATION AND RETENTION

1. BWC/MVR data and recordings shall only be downloaded to and stored on authorized computers operated and maintained by the HTPD.
2. Prior to going off-duty, officers shall place the BWC in the designated docking station to initiate the data upload to the designated computer. Any MVR remote microphone should be placed in its charging station. The case or incident officer shall submit a Video Preservation Request form as soon as possible, but no later than 10 days, following the incident, to the Chief of Police, or his/her designee, to preserve and/or copy any captured data deemed of any evidentiary value, or is otherwise in the best interest of the department, from the BWC/MVR system to an approved media device which is to then be entered into evidence. Officers shall note in the underlying incident, arrest and related reports when video/audio recordings were made of the incident, including any other known BWC or MVR footage from other HTPD vehicles or officers, or from other agencies.
3. Copies of evidentiary footage shall be provided to authorized members of the Office of the District Attorney of Bucks County and other agencies for prosecutorial purposes, or any other authorized entity for official purposes. If permitted and available, temporary access rights will be provided to videos via a secure cloud, or by other approved means.
4. Copies of videos may be released to an officer for review in preparation for court testimony, for incident report preparation, if not otherwise restricted from access, or for presentation in court.
5. The Chief of Police, or his/her designee, shall maintain all recordings, video and oral communications, for 61 days after the date of interception.
6. All recordings shall be purged from the BWC/MVR system, or otherwise destroyed, no later than 61 days after the date of the recording, unless otherwise delineated below:
 - a. Video tagged in the following categories, or incident types, will be retained in the BWC system for the period according to the following schedule:

(1.) Traffic Warning-	61 Days
(2.) Traffic Citation-	91 Days
(3.) DUI-	Until Deleted
(4.) MV Pursuit-	Until Deleted
(5.) Other Traffic-	61 Days
(6.) Traffic Crash-	61 Days
(7.) Arrest-	Until Deleted
(8.) Offense-	Until Deleted
(9.) Incident-	61 Days
(10.) Other-	61 Days
 - b. The Chief of Police, or an officer that is party to the recording(s), has a reasonable belief or anticipation that the retention of a specific recording(s) may be necessary for

- a future proceeding as evidence or believes such retention is in the best interest of the department.
- c. A criminal defendant, or their attorney, who is a participant on the recording reasonably believes that the recording may be useful for its evidentiary value at some later time in a specific criminal proceeding and, prior to the purge deadline (unless already copied or otherwise preserved), provides notice to the Chief of Police requesting that the recording be preserved along with the date, time, location of the incident, names of the involved parties; and, if known, the court docket number. No video from an open or active case or investigation will be released without approval from the Office of the District Attorney.
 - d. An individual, or their legal representative, who is a participant on the recording and intends to pursue a civil action or has already initiated a civil action and, prior to the purge deadline (unless already copied or otherwise preserved), provides notice to the Chief of Police requesting that the recording be preserved along with the date, time, location of the incident, names of the involved parties; and, if known, the court docket number. No video from an open or active case or investigation will be released without approval from the Office of the District Attorney, or if applicable, HTPD's liability insurance carrier or their attorney.
 - e. The Chief of Police has received notice, prior to the deletion deadline, that a civil action relating to a specific incident has been initiated or that such legal action is reasonably likely to be filed. No such video shall be released unless approved by HTPD's liability insurance carrier, or their attorney, when the Township, HTPD or an officer is the subject of the potential civil litigation.
 - f. The Chief of Police intends to use the recording for training purposes. If the video is part of an active or pending criminal or internal investigation, videos should not be used for training purposes unless there is an overriding special circumstance.
7. Evidentiary footage, or an original copy thereof, for any in-progress, pending or ongoing case will be maintained for the same period of time as required for other evidence for that particular offense (**PLEAC 2.4.2 d**). For any inactive criminal investigation where the statute of limitations has not yet expired the video shall be retained for one (1) year after statute of limitations has expired.
- a. In serious felony cases resulting in conviction and sentencing of a number of years of imprisonment or imposition of the death sentence, the footage should be retained indefinitely.
 - b. Videos that should be automatically flagged for retention include: incidents involving the use of force, incidents leading to detention or arrest, incidents resulting in a formal or informal personnel complaint, and incidents deemed relevant for training purposes. (**PLEAC 2.4.2 H**)
 - c. A recording must be retained for 1 year following the final judgment of sentence.
 - d. A recording must be retained if part of an appeal, including PCRA, in a criminal prosecution.
 - e. Recordings that are part of an internal affairs investigation shall be retained for a period of three (3) years after termination of employment or conclusion of disciplinary action for both substantiated and unsubstantiated claims.

- f. Recordings of other content, vehicle crashes, etc., that may result in civil action against the department shall be retained for two (2) years.

K. REDACTION

(Reserved)

L. PUBLIC ACCESS TO POLICY

- 1. This policy shall be made available for review by the public without restrictions unless otherwise superseded or prohibited by applicable law or regulation.

III. By Order of:



Christopher E. Engelhart
Chief of Police