

	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.21.12	
Subject:		Distribution:
Mobile Video Recorders (In-Car and Body-Worn Camera Equipment)		All Personnel
Date of Issue:	Expiration Date:	Rescinds:
06-10-2019	Until Amended or Rescinded	3.21.2 (Issued 06-07-2018)
References:		
CALEA 41.3.8; PLEAC 2.4.2		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to establish guidelines for the use of Mobile Video Recorder (MVR) equipment to reliably document incidents involving police officers and the public. The policy further establishes procedures for storage, access, and dissemination of MVR recordings.

POLICY

MVR systems have been demonstrated to be of value in officer protection, the prosecution of serious traffic violations and criminal offenses, in evaluation of officer performance, and in training. In order to comply with state law, and to achieve maximum benefit from this equipment in these and related areas, officers shall follow the procedures for MVR equipment use as set forth in this policy. Noncompliance may result in disciplinary and/or other corrective measures. **(PLEAC 2.4.2 I)**

DEFINITIONS

Mobile Video Recorders (MVR) – Mobile video and audio recording equipment, which includes the In-Car Camera (ICC) and Body-Worn Camera (BWC) units.

WatchGuard Evidence Library – The Department’s server-based storage system for WatchGuard videos. It includes the temporary storage queue of all recordings and the tagged evidentiary case recordings.

PROCEDURE

A. General

Officers shall not use MVR equipment until they have successfully completed a training program which will include the operation of the equipment, requirements

for its use, and a review of this policy. Additionally, the restrictions on recording “Oral Communication” from the Pennsylvania Wiretapping and Electronic Surveillance Act will be reviewed. Of significance: **(PLEAC 2.4.2 a)**

“Oral Communication” does not include a communication made in the presence of a law enforcement officer on official duty who is in uniform or otherwise clearly identifiable as a law enforcement officer and who is using an electronic, mechanical or other device which has been approved under section 5706(b)(4) [MVR equipment] to intercept the communication in the course of law enforcement duties.

NOTE: Other uses of the MVR audio recording features could be a criminal violation.

B. Officers’ Responsibilities

Officers are responsible for the following when utilizing MVR equipment:

1. MVR equipment shall only be used in conjunction with official law enforcement duties and by officers who are in uniform or otherwise clearly identifiable as law enforcement officers.
2. MVR equipment shall be maintained and operated according to the manufacturer's recommendations.
3. Deployment of available MVR units is required for all uniformed and appropriately attired officers (e.g. ERT/Detectives in police labeled raid gear) conducting field operations.
 - a. Officers without an ICC unit (e.g. warrant teams, bike officers and uniformed officers using unmarked vehicles) shall be given priority access to adequately charged BWC units, but remaining BWC units shall also be utilized by officers with ICC units.
 - b. When not utilized, BCW units shall be stored and charged in the transfer stations located in the roll room. **(PLEAC 2.4.2 c)**
 - c. Prior to deployment, officers shall register BCWs via the computer checkout kiosk.
4. MVR use is **mandatory** for all equipped officers as follows:
(CALEA 41.3.8 a) (PLEAC 2.4.2 b)
 - a. When responding to and investigating all crimes in progress or potential crimes in progress.

Note: When interviewing victims or witnesses under sensitive

circumstances, or when victims or witnesses express a desire not to be recorded, officers should balance the value of obtaining the recording against the privacy needs of the subject. Discretion should be used in deciding to record the interview.

- b. On all vehicle or pedestrian stops.
 - c. During all pursuits.
 - d. During all crash investigations.
 - e. During transport and lock-up handling of all prisoners.
 - f. On the service of all arrest and search warrants.
 - g. During any contact or investigation for which the circumstances are volatile, unstable, have a likelihood to escalate to an arrest and/or use of force, or are otherwise confrontational with the potential for complaint or dispute of facts.
 - h. As soon as is practical, officers shall inform the involved person(s) that their conversation is being recorded. This also includes any prisoner in a vehicle whose actions are being recorded.
 - i. Officers should make every effort to capture probable cause for stops with the MVR equipment.
 - j. When the MVR equipment is activated to document an incident, it should not be deactivated (unless otherwise expressly authorized by this policy) until the incident is deemed to have ended or completed as evidenced by the officer clearing or closing the incident via radio.
5. MVR equipment shall not be used to record:
- a. Personal communications with other Police Department or Township personnel.
 - b. Internal business operations within the Public Safety Building or Township Administration Building, except for public contacts or incidents falling under **B.4** above.
 - c. Inside of residences, locker/restrooms, or other areas where citizens have a heightened expectation of privacy, except during circumstances falling under **B.4.f** and **B.4.g** above.
6. Prior to each shift, officers equipped with MVR systems will:
(PLEAC 2.4.2 d, e, g)

- a. Determine whether the MVR equipment is working satisfactorily and bring any problems at this or other times to the immediate attention of a supervisor.
 - b. If it is determined that the MVR equipment is not functioning properly, an incident report classified as an "Equipment Breakdown", code 6021, shall be prepared describing the malfunction. An MVR Repair Request Form ([AUX-7](#)) listing the incident number shall be completed and turned in to Report Review.
 - c. It is an officer's responsibility to secure ICC audio transmitters in the vehicle at the end of his or her shift. The discovery of a missing transmitter requires an incident report, classified as "Missing Property", coded 4493 and 4494. Officers shall notify their supervisor immediately so that an investigation can be initiated.
7. ICC units, including the ICC transmitter or synched BWC(s), will automatically activate when the vehicle's emergency warning devices are in operation. The equipment may be manually deactivated during non-contact activities such as when protecting accident scenes from other vehicular traffic.
 - a. Whenever MVR equipment is manually deactivated, officers will properly document the reasons for this action. The documentation shall be accomplished through a recorded announcement on the MVR system. A supervisor shall be notified of the deactivation on any unusual circumstances and an incident report is to be completed.
8. Officers will ensure that the MVR equipment is operating during all vehicle/pedestrian stops or other actions defined in section **B.4** of this policy. In doing so they will ensure that: (**PLEAC 2.4.2 b**)
 - a. The cameras are properly positioned and adjusted to record the event.
 - b. The ICC transmitter or BWC is activated.
 - c. Officers transporting prisoners shall ensure that the rear ICC camera is selected (I-Cop only).
9. During inclement weather and windshield condensation, have the windshield wipers activated anytime the ICC camera is in operation.
10. Officers are prohibited from tampering with, erasing, reusing, or in any manner, altering MVR recordings.
11. Officers shall ensure that their MVR system is equipped with an

adequate amount of recording space to complete their tour of duty.

12. Officers shall ensure that the in-use ICC transmitter or BWC has adequate battery power. When a spare transmitter is available, one transmitter shall be worn at all times while the other transmitter charges.
13. Officers shall synchronize the ICC transmitter(s) or BWC(s) with the vehicle's ICC system at the beginning of their shift and after each time a transmitter or BWC is manually powered off.
14. Officers shall inform their supervisor of any video recorded sequences that may be of value for training purposes.
15. Officers shall use the second code of 4480 in all reports when video recordings were made during the incident in question.
16. Officers shall only use MVR hard drives and flash drives issued by this agency.
17. All vehicles equipped with MVR equipment have an automatic upload feature that wirelessly transfers video from the vehicle to a secured server. All officers are to ensure that the MVR is uploading each time they enter the front or west parking lots of the Public Safety Building. In the event that the upload is not automatically initiated, a Report Review or the Identification Officer shall be notified. **(CALEA 41.3.8 b, c)**

C. General Operating Instructions

All officers using the MVR equipment shall adhere to the following procedures:

1. Ensure that the MVR equipment is operated in accordance with departmental training.
2. Power to the MVR equipment should be "**on**" at all times. If an officer is out of service for a prolonged time, the ICC equipment may time itself off. Officers shall power on the ICC upon returning to the vehicle.
3. If the vehicle's emergency lights are not used (and automatic MVR recording not initiated), the MVR equipment shall be manually activated for any activity listed in section **B-4**.

D. Evidentiary Recordings

In the event that an MVR recording is required for an evidentiary nature, the following procedure shall be followed:

1. An email is to be generated to the Report Review (*Police ReptRev*) Distribution list indicating the date, the time, the operator and the MVR

unit(s) from which the recording(s) is needed.

2. For I-Cop MVR systems, the Identification Officer or other designated Evidence Control Officer will prepare a DVD copy of the recording(s). Once the copy is received, the investigating officer shall follow the Evidence Policy to submit the DVD into evidence.
3. For WatchGuard units, the Identification Officer or other designated Evidence Control Officer shall save the recording(s) to a case file in the electronic Evidence Library. The Identification Officer or Evidence Control Officer will then create an entry into the Alert report's evidence field for evidentiary tracking of the recording(s). DVD copies or flash drive downloads will only be prepared as needed for authorized distribution.

E. Retention, Access, and Dissemination

1. The minimum retention period for MVR recordings is 60 days according to state law. The Identification and/or a Report Review Officer shall delete from the system's temporary storage queue any recordings that are older than 60 days. **(PLEAC 2.4.2 h, j)**
2. The Identification Officer and Evidence Control Officers designated by the Auxiliary Services Unit Commander are the only personnel authorized to save and purge evidentiary case recordings from the WatchGuard Evidence Library. Evidentiary recordings will be deleted in accordance with the general evidence purging procedures. **(PLEAC 2.4.2 i)**
3. Officers should only access or view recordings as part of the official performance of their duties. Secondary recording or photographing of MVR videos on personal devices is prohibited.
4. Officers will have desktop access to the WatchGuard Evidence Library which is limited to their own recordings. Supervisors and personnel responsible for system maintenance will have general access to all recordings. Permissions are set to the users' login.
5. Members of the Investigations Unit and Platoon Investigators will have general access to all recordings in the WatchGuard Evidence Library. Investigators may view or download recordings for investigative or court purposes only.
6. The Department reserves the right to limit or restrict officers from viewing MVR recordings which are related to internal investigations, criminal investigations or other sensitive matters.
7. Recordings shall not be released to another criminal justice agency for

trial or other reasons without prior approval of the Auxiliary Services Unit Commander. A properly issued subpoena will be required in all non-criminal matters. **(CALEA 41.3.8 j)**

8. The public does not have unrestricted access to MVR recordings under state law. Civilians should not be allowed to review recordings without a compelling need. In matters of personnel complaints, relevant parties may be allowed to view MVR recordings with a commander's approval.
9. Public requests for MVR recordings should be referred to the Auxiliary Services Commander.

F. WatchGuard "Record After the Fact" Feature

1. The WatchGuard ICC units are constantly recording video, even when event recording is not activated (audio does not record during this time).
2. If it is determined that a WatchGuard ICC unit might hold non-event video which is evidentiary or otherwise valuable, a supervisor or Identification/Report Review officer can access and mark the desired segment of video as an event directly on the ICC unit (Record After the Fact). The recording will then upload through the standard process.
3. The Record After the Fact feature works on a loop system. While the unit is on, this feature is constantly recording over and erasing older video. Each ICC unit, on average, will have an approximate 56 hour look back window.
4. The Record After the Fact feature has been disabled and is not available on the BWC units.

G. ICC Hard Drive/Flash Drive Control and Management

1. I-Cop ICC units are equipped with removable hard drives, and WatchGuard ICC units are equipped with back-up flash drives.
2. The ICC recording unit will be kept secure at all times. If the automatic upload process does not function or is otherwise unavailable, a supervisor or Identification/Report Review officer can remove and replace the unit's hard drive or flash drive.
3. Supervisors who remove a drive will ensure that the drive is properly labeled and identified for upload and then secured in the cabinet in Auxiliary Services. **(CALEA 41.3.8 c)**
4. Identification/Report Review officers shall upload the drives to the server. Empty and formatted drives will be placed back in the secured cabinet for future

use.

5. No drive shall be reissued for operational use unless it has been uploaded and formatted by designated personnel in this agency.

H. Supervisory Responsibilities (PLEAC 2.4.2 m)

1. Supervisors shall ensure that all officers follow established procedures for the use and maintenance of MVR equipment, handling of hard drive and flash drive recordings, and the completion of MVR documentation.
2. In the event of a police pursuit or a police vehicle crash where a pre-event recording, and/or a recording of the incident was obtained, a supervisor will coordinate and ensure that the recording is preserved and recovered from the vehicle.
3. On a monthly basis, patrol supervisors and the Special Operations Unit supervisor shall review two MVR recordings from three different officers from their platoon/unit to assist in periodic assessment of officer performance, determine whether MVR equipment is being fully and properly used and to identify material that may be appropriate for training. A Video Review Form will be completed and forwarded to the Watch Commanders' Office on a quarterly basis. The Watch Commanders' Office shall maintain review forms for a period of 24 months. **(PLEAC 2.4.2 f)**
4. Supervisors shall ensure the need for repairs and replacement of damaged or non-functional MVR equipment is properly reported on both the MVR Repair Request Forms and an incident report. The MVR Repair Request Form also requires a supervisor's signature.
5. Supervisors shall advise their Unit Commanders of any violations of this policy, misuse of equipment or defects of the equipment.