



RADNOR TOWNSHIP POLICE DEPARTMENT

Policy 2.4.2

Subject: **Mobile and Body-Worn Video Recorders**

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Rescinds: N/A

By Order of: Superintendent Christopher B. Flanagan

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References: PLEAC 2.4.2

I. PURPOSE

The purpose of this policy is to provide Officers with guidelines for the proper use of the Radnor Police Department mobile and body-worn video and audio recording equipment.

II. POLICY

The Watchguard Mobile Video Recorder (MVR) which is integrated with the Watchguard Body-Worn Camera (BWC) and the associated audio recording equipment is referred to collectively as the Watchguard Body-Worn and Mobile Camera System (BWMCS), has been demonstrated to be of value in officer protection, community relations, trust, transparency, as well as the prosecution of serious traffic violations and criminal offenses, evaluating officer performance, and for training purposes. Further, the BWMCS provides documentary evidence for the prosecution of criminal offenses and serious traffic violations, allows members to more accurately document events, actions, conditions and statements made during incidents, aids officer safety training, assists the Department with investigations of alleged misconduct, and may serve as a resource for civil litigation. However, the Department recognizes that BWCs and MVRs offer only a single-view and do not provide the viewer with the totality of the circumstances in each case. It is the policy of the Radnor Township Police Department that Officers will utilize BWMCS equipment in compliance with applicable State Law and the provisions of this policy.

(PLEAC 2.4.2c)

III. DEFINITIONS

1. Activate: Any process or action that causes a Body-Worn Camera (BWC) and/or Mobile Video Recorder (MVR) to begin recording and storing both audio transmission and/or visual images.

2. Body-Worn Camera (BWC): The Watchguard Mobile Video Recording device that is not permanently mounted in a vehicle. The non-vehicle mounted device shall include, but not be limited to, mobile video recorders worn on or about an Officer's person.
3. Body-Worn and Mobile Camera System (BWMCS): Components (BWC and MVR) that act independently Page 2 or collectively to digitally record events.
4. Mobile Video Recorder (MVR): The Watchguard In-Car Camera system (camera, microphone, recorder and monitor) installed in a vehicle that records audio and video and interacts with the BWC. A BWC can function independently of a MVR.
5. Record Management System (RMS): A system that provides for the storage, retrieval, retention, manipulation, archiving, and viewing of information, records, documents, evidence, or files pertaining to law enforcement operations.

IV. EQUIPMENT

- A. The Watchguard mobile digital video/audio recording equipment (MVR) consists of the following:
 1. Forward facing and containment compartment cameras, if equipped.
 2. Monitor/control panel: Officers can use the monitor to review incidents and access control functions of the system.
 3. Containment compartment microphone.
 4. Digital Video Recorder (DVR) which includes the Flash drive (FD) backup.
- B. The Watchguard Body-Worn Camera System (BWCS) consists of the following:
 1. Integrated camera and microphone system that is attached to the uniform of the officer
 2. Camera mount of the BWC
 3. Charging/Downloading cradle

V. PROCEDURE

A. General

1. Officers shall not use the BWMCS equipment until they have successfully completed the following:
 - a) Complete the online training program for users through the manufacturer of the (BWMCS) equipment and obtained a certificate

indicating completion of the training. The certificate will be forwarded to the Office of the Superintendent.

- b) All Officers authorized to use BMWCS shall undergo familiarization training by designated Radnor Police personnel involving the proper use of the BMWCS system and related departmental policy. Furthermore, Officers will receive periodic updates on usage, performance, deactivation and policy changes. (PLEAC 2.04.2.a)
- c) Authorized training on the requirements and restrictions of the Pennsylvania Wiretapping and Electronic Surveillance Act.
- d) Reviewed the provisions of this procedure.

(PLEAC 2.4.2e)

- e) A violation of this policy by any member of the Department, may subject the violator to the Department's disciplinary policy. (PLEAC 2.04.2i)
2. Officers are expected to familiarize themselves with and adhere to all legal requirements, constitutional decisions, and applicable case law concerning the use of (BMWCS) equipment.

B. BMWCS Function

1. Video recording on the BMWCS unit is automatic when any of the following events occur:
 - a) The patrol vehicle's emergency lighting is activated.
 - b) Recording is activated via the BWC unit.
 - c) In the event the vehicle is involved in a crash.
2. Video recording is terminated when the Officer presses the "Stop" button on the control panel of the MVR or on the BWC.
3. Recorded MVR video and audio will automatically downloaded (via wireless download) when the vehicle is parked at the Radnor Township building. . Recorded BWC audio and video will be downloaded when the BWC is placed in a designated docking station at the Radnor Police station (PLEAC 2.4.2h).
4. Each vehicle equipped with a BMWCS unit will have a compact flash drive assigned to the unit and only the Superintendent of Police or designee are authorized to install or remove it, including when there is a failure in the wireless download or the vehicle is not able to return to the Radnor Township Building. No one else is authorized to remove the flash drive.

C. Officer's Responsibilities

Officers are responsible for the following when utilizing BMWCS equipment:.

1. The BMWCS equipment shall be maintained and operation according to the manufacturer's recommendations and this policy.

Officer shall not tamper with the MVR system in any manner unless under specific direction of the Superintendent or designee.

(PLEAC 2.4.2d)

2. Victims and witnesses shall not be allowed to review any recording without prior authorization from the Office of the Superintendent unless exigent circumstances exist with a supervisor's approval (when possible).
3. BMWCS use shall be **mandatory** for officers assigned to MVR equipped vehicles and for use of BWCs when they are available, in order to record incidents that are likely to result in a prosecution for a violation of the law and/or civil lawsuits.
 - a) Officers in uniform shall use a BWC when deployed on a motorcycle, bicycle, or other vehicle.
4. Detectives shall consider using the BWC when conducting investigations in the field, under the same criteria outlined in this policy.
5. Administrative personnel and command staff may wear BWCs while performing their official duties, but are not required to wear the equipment while in the station, attending community meetings, or otherwise not assigned to patrol duties.
6. Officers are also required to wear BWC during:
 - a) Extra duty employment assignment, and
 - b) All overtime patrol assignments.
7. Officers are prohibited from:
 - a) Tampering with the BMWCS, deleting any recordings, intentionally obscuring the view of the cameras or muffling the microphone.
 - b) Using an external device to copy any event that is recorded or displayed by the BMWCS unless exigent circumstances exist with a supervisor's approval.
 - c) Editing, deleting, copying, sharing or otherwise distributing in any manner a BMWCS recording without prior written approval of the Office of the Superintendent.
8. As soon as practical and safe, Officers shall activate the BMWCS system when responding to calls for service and during law enforcement encounters

that occur while on duty. Incidents which shall be recorded on BWMCs equipment (BWC if no MVR is available) include, but are not limited to:

- a) Responding to in-progress crimes, violations, and priority assignments;
- b) Upon arrival to the scene of an incident that the officer has been dispatched to investigate or an encounter or contact between the officer and a member of the public that is investigative or enforcement in nature;
- c) All vehicle and/or pedestrian stops;
- d) All pursuits and attempts to stop a vehicle;
- e) Initiating a foot pursuit;
- f) Handling a disturbance or crisis related incident;
- g) Handling any protest or demonstration;
- h) The transport of all detainees/prisoners;
- i) Erratic behavior by a subject that is indicative of potential mental health issues.
- j) Upon the audible warning of a canine deployment or search, through the end of that deployment.
- k) Executing a search warrant, and during any conversation with the occupants of the premises regarding the entry, the reason for the search, or the scope of the search.
- l) Serving an arrest warrant;
- m) Conducting a suspect confrontation (i.e., show-up identification of a suspect by a victim or witness). A view of the suspect shall be recorded during the confrontation, when reasonable. (PLEAC 2.9.1e)
- n) Fatal / serious crash or major crime scenes, as necessary to sufficiently document the scene.
- o) Documentation of any evidence, contraband, narcotics, or when counting currency.
- p) Conducting vacant house checks.
- q) Any other incident the Officer deems appropriate while activating in the performance of official duty.
- r) An officer shall activate their BWMCs when directed to do so by a supervisor

- s) Citizen complaints of any kind, whether directed at the officer or another.
- t) Additionally, officers should make every effort to capture probable cause or reasonable suspicion for any subject or vehicle investigation with BWMCs equipment.

(PLEAC 2.4.2a)

9. Officers have the discretion to keep their BWC, video and/or audio off during conversations with persons who wish to report or discuss criminal activity, but do not wish to be video and/or audio taped. If the officer feels the importance of obtaining information and/or a statement outweighs the need to record it and the absence of BWC recording will not affect the investigation. The request shall be captured prior to deactivation and officers should note this request in their report.

10. Officers deploying with BWCs shall ensure the following:

- a) Officers are in uniform or clearly identifiable as a law enforcement officer.
- b) Officers shall ensure that the cameras are properly aimed and focused in order to record an event.
- c) Officers shall ensure that the BWC is properly attached to the uniform shirt, exterior vest carrier or outermost garment.

11. Officers will, as soon as reasonably practicable, advise individuals identifiably present that communication is being orally and visually recorded, in an effort to de-escalate interactions with officers.

(PLEAC 2.4.2b)

12. At the beginning of each shift or when transferred to a vehicle equipped with MVR equipment, Officers shall:

- a) Visually check the MVR equipment to include:
 - (1) Ensuring the camera lens and windshield are free of debris.
 - (2) The camera is facing intended direction.
- b) Officers will ensure that the BWMCs is in proper working order and that the BWC is linked to the MVR.
- c) Log into the BWMCs equipment.
- d) Determine whether the BWMCs equipment is functioning satisfactorily and that the date and time listed on the screen accurately notes the current date and time.

- (1) If it is determined that the BWMCS equipment is not functioning properly, or the date/time display is incorrect, the officer shall report the deficiencies immediately to a supervisor.
 - (2) If a deficiency cannot be immediately corrected, an equipment repair sheet is to be completed by the officer describing the malfunction. Repair sheets and notifications shall be forwarded through the chain of command to the Office of the Superintendent and documented with an incident report in the RMS.
 - (a) If an MVR is not functioning properly, the Supervisor will assign the officer to another MVR-equipped vehicle, if available.
 - (b) If a BWC is not functioning properly or is otherwise unavailable, the officer shall take another BWC if available.
 - (3) Officers shall check the battery status of the BWC . Additionally, Officers shall ensure that the BWC has adequate battery power by periodically utilizing the in-vehicle charger during their shift.
 - (4) Whenever possible, the Officer will ensure the MVR is positioned and adjusted to record event during a contact or investigation.
13. The Officer will not deactivate the BWMCS equipment until the incident/enforcement action is completed.
14. To avoid any appearance of impropriety or improper conduct, a justification for stopping a recording or muting a BWC shall be verbally stated on the recording prior to turning it off.
15. If an officer fails to activate the BWC or MVR to record the entire event or interrupt the recording, the officer shall document the reason in the RMS incident report.
16. Should an officer inadvertently capture a privileged or personal communication, the officer will notify their supervisor who will make notification to the Office of the Superintendent in writing to request deletion of the privileged communication.
17. The recording function may be deactivated:
- a) During non-enforcement activities such as directing traffic, protecting crash scenes, or an incident of extended duration where emergency lighting is required, or

- b) During any incident that the officer determines where the BWC must be deactivated either temporarily or for the entire event, based on articulable reasons (i.e., sensitive intelligence gathering such as meeting with informants, when discussing sensitive tactical or confidential law enforcement information, or other investigative purposes).

18. The Body-Worn Cameras (BWC) shall not be used to record:

- a) Communications with other police personnel during routine, non-enforcement-related or nonwork-related activities with regard to interactions solely among employees, without the permission of the Office of the Superintendent unless the recording is required by a court order or is authorized as part of an administrative or criminal investigation.
- b) Within a judicial facility or in an area adjacent to or immediately surrounding a judicial facility without court approval.
- c) Encounters with undercover officer(s) and/or confidential informant(s),
- d) In any location where individuals have a reasonable expectation of privacy (e.g., bathrooms or locker rooms - unless on an active incident); and strip searches.
- e) Inside the Radnor Township building, except:
 - (1) While responding to an emergency-related event or a criminal offense that has occurred, or is occurring within the facility; or
 - (2) While in the presence of a witness, victim or defendant regarding a criminal case and the officer believes it may be valuable to record the interaction.
 - (3) During any of the items listed (C)(8) of this policy.

19. After clearing an incident and deactivating the BWC and MVR, the recording officer will tag the incident using the most current drop-down list on the MVR recording equipment.

20. At the end of each tour of duty, officers assigned to MVR-equipped vehicles will log off the MVR.

21. At the end of their shift, officers will dock the BWC to ensure recordings are downloaded and the camera is charged.

22. Officers are encouraged to inform their shift supervisor of any recordings that may be of value for training purposes.

23. Any missing, damaged, or otherwise inoperable / malfunctioning BMWCS equipment shall be reported to the shift supervisor and documented on an incident report.

D. Supervisor Responsibilities

Supervisors shall:

1. Ensure all Officers follow established policy for the use and maintenance for BMWCS equipment.
2. On a monthly basis, randomly review BMWCS footage to determine whether BMWCS equipment is being fully and properly used and to identify material that may be appropriate for training purposes. Shift Supervisors meet with Officers to review video recordings on high priority calls
3. A video is not to be released to another criminal justice agency without the approval of the Superintendent of Police or his designee. All other requests for video will be directed through the Township's Open Record Officer.

(PLEAC 2.4.2f)

E. Storage and Retention of Data

1. The recordings produced by BMWCS equipment shall be stored on a dedicated secure server. Under 18 Pa. C.S. 5749, the retention period for video that does not fit one of the exceptions is a minimum of 30 days, and a maximum of 90 days.
2. MVR 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 Office of the Superintendent via a WatchGuard thumb drive.
3. BMWCS 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 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 Office of the Superintendent 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 their event type. Officers are responsible for choosing the proper event type for their recording(s).

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.

F. Department Use

1. It is not the policy of the Radnor Township Police Department to utilize the BWMCS 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. Relevant BWMCS 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 an Internal Affairs investigation, to include reviewing the data with their union representative outside the presence of any supervisor or investigator.
 - f) For other reasons not specified, with permission from the Office of the Superintendent.
 - g) Officers wishing to review *other* officers BWC data must submit a request to the Office of the Superintendent.
 - h) Care shall be taken to prevent unauthorized persons from being able to view the recordings. Officers will not view BWMCS video in a public area unless exigent circumstances exist.
4. Officers may play footage recorded on the BWMCS 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 BWMCS system will never be kept in a criminal case file.
5. Any officer with knowledge of abuse of the BWMCS system or violation of this policy is required to report the issue to the chain of command.

6. Dissemination

- a) Criminal Cases
 - (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 Delaware 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 Delaware 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 Office of the Superintendent.
- b) Requests for MVR or BWC 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.
- c) 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 a "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.

BY THE ORDER OF: Christopher B. Flanagan

Christopher B. Flanagan
Superintendent of Police