

## Abington Township Police Department Policy and Procedure Manual

<b>Chapter:</b>	Patrol	<b>General Order:</b>	41.3.8a
<b>Section:</b>	Equipment	<b>Original Date:</b>	012319
<b>Title:</b>	Body Worn Camera Audio/Video	<b>Re-Issue Date:</b>	042122
<b>Issued By:</b>	Patrick Molloy, Chief of Police	<b>Reevaluation Date:</b>	Indefinite
<b>Signature:</b>	<i>Patrick Molloy</i>	<b>Expiration Date:</b>	Indefinite
<b>Replaces:</b>	All Previous General Orders Relative to Subject		
<b>Distribution:</b>	All Members	<b>Total Pages:</b>	10
<b>CALEA Standard References:</b>	41.3.8		
<b>Pennsylvania Accreditation References:</b>			

### I. PURPOSE

The purpose of this general order is to provide members with guidelines for the use of Body Worn Cameras (BWC).

### II. POLICY

The use of Body Worn Cameras has been shown to be a helpful tool in law enforcement that increases the effectiveness of police service and generally serves to improve public safety. The Abington Township Police Department is dedicated to employing the use of Body Worn Cameras to ensure accurate and unbiased documentation of police interactions, where these devices are used. Safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

### III. DEFINITION

**Axon Body 4:** For the purpose of this policy, **Axon Body 4** refers to the Body Worn Camera (BWC). The **Axon Body 4 camera** is a **camera** system

incorporating an audio and video recording device. The **Axon Body camera** is designed to record events in real time for secure storage, retrieval, and analysis via the Evidence.com services or in an offline configuration to your local computer.

**Axon Fleet:** **Axon Fleet** leverages **Axon** hardware and software as well as an agency's existing in-car technology to provide for a connected and reliable in-car video system. For the purpose of this policy Axon Fleet refers to Mobile Video and Audio Recording equipment (MVR).

**Tagging:** You can use Axon View and Evidence.com to tag the videos you record with metadata, such as ID, title, and retention category. Axon View transfers the tag information to the Axon camera. Tag information that you apply does not alter the original video evidence file

**Evidence.com:** The Departments cloud based digital evidence management system (Abingtonpd.evidence.com).

#### IV. PROCEDURE

##### A. General Requirements: Pennsylvania Wiretapping and Electronics Surveillance Control Act

All sworn personnel must be familiar and comply with the Pennsylvania Wiretapping and Electronics Surveillance Control Act (18 Pa. C.S. § 5701 et seq.) with respect to the following restrictions and requirements. All recordings of communications by Mobile Recorders shall fully comply with the Act, including but not limited to, the following General Order:

1. The communication recorded must be “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 on official duty and who is using an electronic, mechanical or other device which has been approved under section 5706 (b) (4) (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices) to intercept the communication in the course of law enforcement duties. As used in this paragraph only, “law enforcement officer” means a member of the Pennsylvania State Police, an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21 Sub Ch. D (relating to municipal police education and training), a sheriff or a deputy sheriff” (18 Pa. C.S. § 5701 et seq.).

2. The officer is using an approved device to intercept and record the communications. Officers are only permitted to utilize the BWC issued to them by the Abington Township Police Department.
3. No officer shall access, alter, delete, distribute, provide, tamper, interfere or review any BWC video unless permitted by this policy or the expressed approval of the Chief of Police.

#### B. Training

1. The Chief of Police, or his or her designee, shall establish a training program to ensure that all officers equipped with BWCs are familiar with the equipment and the cloud based digital evidence management system AbingtonPD.evidence.com as well as the provisions of this General Order.
2. The training program shall include instruction on the policy, proper use and operation of the BWC as well as the cloud based digital evidence management system, AbingtonPD.evidence.com.

#### C. Use of Body Worn Camera (BWC)

1. The use of the BWC, both audio and visual, is mandatory for any patrol officer who is issued a BWC in the performance of his or her official duties. The BWC must remain activated until the involved officer is no longer involved in the incident for which it was started, unless the activation was inadvertently started. Officers engaged in extra duty assignments are required to wear the BWC at all times. The officer will manually deactivate the BWC by utilizing a sustained press of the EVENT button for 3 seconds.
  - a. In the event that an officer inadvertently captures an unintentional/personal/protected incident, their immediate Supervisor shall be notified.
    - i. The Supervisor and the reporting officer together will review the recorded content, video only. If the Supervisor, in his or her discretion, determines that the recorded content has no law enforcement, legal, internal affairs, or other legitimate purpose, the Supervisor will forward a BWC "Request for Deletion" form to a BWC Administrator. The BWC Administrator shall delete the video and forward the forms to the office of the Chief of Police.

- ii. The Chief of Police or his/her designee will keep a file containing any officer requests to delete recorded content. This file will serve as documentation of the deleted footage.
2. The use of the BWC by the Detective Division, both audio and visual, is mandatory under the following circumstances:
  - a. While serving arrest warrants
  - b. When directed to do so by a Detective Division Supervisor or the ranking on-duty Supervisor.
  - c. While performing an assigned patrol related detail or patrol related extra duty assignment contingent upon BWC availability.
3. Officers should activate the BWC immediately upon acknowledging dispatch to a call for service or in the performance of a proactive event as soon as safely possible. This will allow the maximum amount of information regarding the incident to be captured. When applicable, officers should make every effort to capture probable cause for vehicle and pedestrian stops with the BWC equipment. Incidents in which the BWC must be used include but are not limited to:
4. Use of the Body Worn Camera is **Mandatory** for Officers under the following circumstances:
  - a. When responding to a crime in progress
  - b. Pedestrian stops
  - c. Pursuits
  - d. Vehicle stops
  - e. Any protest or demonstration
  - f. When following a suspected DUI offender prior to conducting the traffic stop, the actions of suspects when undergoing field sobriety tests, and when placing an intoxicated subject in custody
  - g. All arrests including on-view arrests and citations.
  - h. Disturbance or crisis related incident

- i. Anytime the recording may prove useful in later judicial proceedings and does not violate a reasonable expectation of privacy
5. Use of the Body Worn Camera is **Discretionary** for Officers under the following circumstances:
  - a. Officers may use the BWC to take still pictures or video and audio record:
    - i. Crime and accident scenes
    - ii. Documentation of evidence or contraband
    - iii. Victim(s), defendant(s) and witness(s) injuries and interviews
    - iv. Transports to and from detention facilities, to include other law enforcement agencies and Federal, State, and County correctional facilities.
    - v. Special consideration shall be given to honor requests not to record interactions with sensitive populations (i.e. sexual assault victims) when the nature of that interaction would be so intrusive as to outweigh its evidentiary value. This shall only be granted with the permission of a supervisor
    - vi. Officers can utilize when handling prisoners in the cell block/ station.
  - b. Routine, non-confrontational interactions or calls for service including but not limited to: report taking, park and walks, animal complaints, may not be recorded unless an officer has reason to believe the situation could become confrontational and official action may result
6. Officers are not required to utilize their BWC on out of town DUI Checkpoints. The use of the BWC for DUI Checkpoints that occur in Abington Township is discretionary for officers assigned to the line. Officers who operate the testing area are required to completely document all the actions, via the BWC, of suspected DUI offenders. Additionally, the use of the BWC is mandatory for officers who are assigned as chase vehicles.
7. The BWC must be manually pressed/turned on by the officer to activate the recording function.
  - a. When activated, there will be 30 seconds of pre-recording (buffering) video but no pre-recording (buffering) of audio on the BWC.

- b. In order to record an incident properly, officers should make an attempt to:
  - i. Position the camera in a location on the front of their body that is most comfortable, and will capture encounters with members of the public.
  - ii. Aim and focus the camera in the direction of the incident.
  - iii. Make sure that the lens is clean.
  - iv. Make sure their outer garment is not covering the unit.
8. Officers may not interfere with or disrupt the recording of a required recording event, situation or circumstance at their own discretion or at the demand of anyone other than a supervisor. Special consideration shall be given to citizen requests to not record an interaction when that interaction involves a citizen deemed to be of a sensitive population or when the deactivation can be vital to de-escalating an incident. When the BWC is stopped during the recording of an incident, regardless of the nature of the stoppage, officers shall:
  - a. Document the reason(s) for this action on the audio portion of the recording prior to deactivating the BWC.
  - b. Record the reason(s) and time of termination on their incident report.
  - c. Any reactivation of the BWC during an incident shall be properly reintroduced on the recording as soon as practical.
9. The BWC recording may not completely document all details of events as they occur. Officers should provide narrations of events not readily evident, as needed. This may also include holding small objects (driver's license, evidence, etc.) close to the camera.
10. Officers are restricted in AbingtonPD.evidence.com to viewing only their own BWC recordings. Officers may request access from other officers to view their BWC recordings by clicking the "Request Access" tab in AbingtonPD.evidence.com. A reason for the request must be entered in the dialogue box. The recipient of the request may approve or deny the request at their discretion. Requests that have been denied can be re-evaluated and granted by a supervisor. Additionally, officers are free to share their video evidence with other officers outside of the formal request process.

11. Officers may review BWC recordings prior to writing incident reports or submitting to an interview about an incident to encompass those incidents involving pursuits, "Complaints against a Department Member", and uses of force. Covered under the aforementioned use of force will be the uses of deadly force and officer involved shootings.
12. Officers are responsible, prior to the completion of their shift, for ensuring that all of their video files have been tagged with the appropriate call for service (CFS). This will be done utilizing abingtonpd.evidence.com, the Departments cloud based digital evidence management system.
  - a. Due to the nature of police work, police logs, reports and other forms of documentation can be and are at times inaccurate as to the precise times and officer notes for a particular activity or event. Therefore, times captured from the BWC may slightly vary from noted times in a police log, report and other form of documentation, and should not be held against the officer.
13. Officers should note in any Incident or Investigative Report if the incident was not recorded by the BWC equipment, and the reason.
14. Officers shall treat all BWC videos as evidence and as such must follow the proper procedures and guidelines for evidence handling.
15. The member shall inform the individual(s) "as soon as reasonably practical", that the individual(s) are being audibly and visually recorded.
16. Use of the BWC is **Prohibited** in the following circumstances:
  - a. Intentional, covert recording of events or individuals except in the performance of official duties
  - b. To record non-work related personal activities or conversations
  - c. In places where a reasonable expectation of privacy exists (i.e. locker rooms, dressing rooms, restrooms, etc.)
  - d. During any strip searches
  - e. When discussing operational strategies or tactics
  - f. Routine medical calls for service
  - g. Encounters with undercover officers or confidential informants

- h. In a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the BWC except:
- i. When the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that he or she will be required to use constructive authority or force.
- j. Inside the police facility, except:
  - i. When responding to an emergency inside the facility.
  - ii. When BWC usage is deemed valuable for law enforcement purposes with regard to a particular criminal matter.
- k. During courtroom proceedings

#### D. Tactical Operations

- a. The Tactical Unit conducts police operations that are subject to the public's expectations of legitimacy and transparency. Therefore, the Abington Tactical Unit will wear Department issued body worn cameras (BWC) during all field operations.
- b. The BWC will be affixed in a way that provides a similar point-of-view as experienced by the Tactical Unit member during an operation. Typically, this will be on a camera mount centrally placed on the front of a member's ballistic vest. Different considerations may apply, depending on the equipment configuration required of a particular mission.
- c. Due to the sensitivity of planning operations and discussion during the pre-mission phase of an operation, BWC will not be activated during tactical discussions, planning, or rehearsals, in alignment with Department BWC policy.
- d. During an operation, a designated Team Leader will announce to those in his/her vicinity and on radio, "ACTIVATE BODY CAMERAS".
  - 1. Typically, this announcement will be made during approach to a target location, shortly before the mission is about to commence.
  - 2. In the event that the mission requires surveillance, rather than approach, the Team Leader will make the



announcement whenever he/she reasonably believes that the execution of the operation is imminent.

3. Whenever feasible, other members should repeat the command to activate body cameras so that other members who may not have heard the Team Leader can activate their BWC. Repeating this command should not be done if it compromises a member's security.
4. If there is a time where the operation is underway, but additional planning is necessary, a member may temporarily deactivate his/her camera to discuss the planning. This is not mandatory, but may be an option for a member. For example, a member on perimeter may require additional planning. This is when a deactivation may be appropriate. If a member chooses to temporarily deactivate their BWC, they should announce their intent and their reason on their camera. Cameras should be reactivated as soon as possible.

- e. The BWC will remain activated during the operation until a designated Team Leader announces "DEACTIVATE/TURN OFF BODY CAMERAS". This will normally be after the operation has concluded.

#### E. Supervisory Responsibilities

1. Supervisors will ensure that the officers are responsible for and are trained on the proper use and operation of the MVR and BWC.
2. Each supervisor will review three (3) randomly selected recordings of officers per month for which they are responsible. This is done to determine whether the officers are properly using and operating the MVR and BWC equipment. Supervisors shall document the results of their findings on the MVR/BWC Supervisor Review Form, immediately address any deficiencies and document ongoing issues. The completed form will be forwarded to the Patrol Commander and the member reviewed.
  - a. Minor policy violations (not criminal in nature) discovered during routine review of recorded material shall be viewed as training opportunities, and not used for disciplinary purposes. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken. Supervisors are granted access for conducting administrative investigations.

3. The Patrol Commander will complete a monthly statistical analysis of all reviews.
4. A non-functional or malfunctioning BWC shall be taken out of service. The officer will present, or leave the unit for a BWC Administrator, and notify them via departmental email or memorandum of the issue. The officer shall notify his/her supervisor of the issue.
5. Platoon Supervisors will be responsible, prior to the completion of their shift, for ensuring that all officer video files have been tagged with the appropriate CFS. This will be done utilizing [abingtonpd.evidence.com](http://abingtonpd.evidence.com), the Departments cloud based digital evidence management system.

F. Security and Access to Recorded Data as well as Use of Camera Captured Data

The BWC must be docked in the download/charging station at the completion of an officers assigned shift, at which time the content is transferred to a secure server. (i.e. cyber and physical securities in place)

1. All sworn personnel are permitted to access, view and have recorded content downloaded by a program administrator for the purpose of carrying out their official duties unless specifically prohibited from doing so by the Chief of Police or his/her designee.
2. Dissemination of BWC recordings /data shall comply with applicable law , including the Pennsylvania Criminal History Information Records Act, (18 Pa. C.S. § 9102 et seq.).

3. Requests for dissemination of video evidence from “downstream” criminal justice actors shall be forwarded to a Detective Division supervisor or his/her designee for processing and approval.
4. No personnel shall share or distribute BWC recordings in any manner to nonlaw enforcement agencies without prior written authorization and approval from the Chief of Police or their designee.
5. The Chief of Police, Deputy Chief of Police and Lieutenants, as a matter of function are permitted to access, download, and view recorded content for the purpose of carrying out their official duties whether or not they are personally included within the video.
6. If an officer seeks to have recorded content downloaded to a form of media such as a CD/DVD or thumb drive, that officer may do so; in furtherance/support of the prosecution of criminal or vehicular offenses unless specifically prohibited from doing so by the Chief of Police or his/her designee.
7. In addition to the above circumstance, any member may request approval from the Chief of Police or his designee to have applicable recorded content downloaded to a form of media such as a CD/DVD or thumb drive for use during the following additional circumstances:
  - a. Accreditation
  - b. Allegations of misconduct
  - c. Training

#### G. Retention Period

1. Unless an incident or event is marked with a crime classification, all BWC videos will be deleted subsequent to a 75 day retention period, from the date captured except as follows:
  - a. All BWC video marked with a crime classification will be stored for a period of not less than 2 years at which point it will be properly subjected to deletion under applicable state law.
  - b. Where the department has received a written request for a recording in accordance with Act 22 of 2017, in which case the department shall preserve the recording for no less than the time periods provided under Act 22 for service of and response to written requests for production of

records, and any period within which a petition for review is allowable under act 22.

#### H. Public Release of video by the Chief of Police

1. Public Request to view and/or receive copies of BWC related information shall be administered in accordance with 42 Pa C.S. 67A, Recordings by Law Enforcement Officers. These requests shall be forwarded to the office of the Chief of Police upon receipt.
2. Nothing in this directive prohibits the Chief of Police or his/her designee from releasing video to the public.
3. The Chief or their designee will inform the department member(s) before publicly releasing a video in which their image or voice was captured when feasible.
4. Nothing in this directive prohibits the Chief of Police or their designee from releasing redacted video to the public in the case of a critical incident where the public interest in the case of a critical incident where the public interest supports such a disclosure and the member(s) involved has been charged with a crime.
5. A video disclosed under this section must, before disclosure, be edited in a manner as to render the faces of all person(s) within the recording unidentifiable. The video redaction is to be completed by a BWC administrator.

#### I. Use of facial recognition Software or Programs

1. In response to actual or suspected criminal activity, qualified police personnel are authorized to employ facial recognition software or programs for investigative purposes including but not limited to identifying suspects, individuals with outstanding warrants, crime victims and/or missing persons.

#### J. Program Evaluation

1. The Chief of Police, or his or her designee, will conduct a periodic review, of all Supervisory Review Forms to assess officer performance, adherence to the General Orders and established professional standards as well as to identify additional training and equipment needs.

2. On at least an annual basis the Chief of Police, or his or her designee, will conduct a review of the BWC policy to identify any deficiencies.