



BODY WORN CAMERA (BWC)

I. POLICY

The Findlay Township Police Department shall provide members with access to body worn cameras (hereafter referred to as BWCs), for use during the performance of their duties. The use of BWCs is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The Department also recognizes that the BWC video does not mirror the perspective of the officer at the time of an incident, nor does the video include other factors known to or perceived by the officer that could impact the officer's judgement and decision-making, such as events beyond the scope of the camera, the officer's "reactionary gap", or the difference between human vision and the camera's video recording abilities. Therefore, the use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident.

II. PURPOSE

This policy provides guidelines for the use of BWCs by members of this department while in the performance of their duties. BWCs include all recording systems whether body-worn, hand-held or integrated into portable equipment (42 Pa.C.S. § 67A07).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Findlay Township Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).



III. BODY WORN CAMERAS

A. DESIGNATION OF PROGRAM MANAGER

1. The Chief of Police or the designee(s) will be responsible for (42 Pa.C.S. § 67A07):
 - a. Establishing procedures for the security, storage and maintenance of data and recordings.
 - i. Data security, storage and maintenance of data and recordings shall comply with Pennsylvania State Police standards (18 Pa.C.S. § 5706).
 - b. Establishing procedures for accessing data and recordings.
 - c. Establishing procedures for logging or auditing access.
 - d. Establishing procedures for transferring, downloading, tagging or marking events.
 - e. Establishing procedures for the use of facial recognition software or programs (42 Pa.C.S. § 67A07).
 - f. Establishing requirements for all equipment used in BWC recording, transmission, and storage.
 - i. BWC recording, transmission, and storage devices shall comply with Pennsylvania State Police standards (18 Pa.C.S. § 5706).

B. MEMBER PRIVACY EXPECTATION

1. All recordings made by members on any department issued device at any time and any recording made while acting in an official capacity of



this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

C. MEMBER RESPONSIBILITIES

1. Prior to going into service, each uniformed member will be responsible for making sure that he / she is equipped with their assigned BWC, issued by the Department, and that the BWC is in good working order. If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the BWC in a conspicuous manner. The BWC shall be positioned as close to the center of the members chest to ensure optimal video capture.
2. Any member assigned to a non-uniformed position may carry a BWC at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear BWC in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.
3. When using a BWC, not assigned to the member, the assigned member shall sign out the spare BWC by completing the BWC sign out sheet and make an oral recording on the BWC stating his/ her name, FTPD badge number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is designed to make a record of what officer is utilizing a BWC not assigned to them. This procedure is not required when the BWC and related software captures the user's unique identification and the date and time of each recording.



4. Members should document the existence of a recording in any report or other official record of the contact, including any instance where the BWC malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

D. ACTIVATION OF THE BODY WORN CAMERA (BWC)

Act 22 revises the definition of “Oral Communication” in 18 Pa.C.S. §5702 of the Wiretap Act to exclude clearly identifiable or uniformed police officers on official duty from the following:

- a. The prohibition of recording inside a residence.
- b. The requirement for police to inform of the recording, and
- c. Civil and/or criminal penalties contained within the Wire Tap Act.

This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Members, including primary, secondary and assisting officers should activate the BWC any time the member believes it would be appropriate or valuable to record an incident.

The BWC shall be activated to record all officer activities associated with their job duties and responsibilities when responding to all dispatched and self-initiated calls. Examples of when the BWC is to be used are listed below:

- a. All dispatched or self-initiated calls for service that involve enforcement and investigative contacts including stops, field contacts and mental health situations.
- b. Traffic stops including, but not limited to, traffic violations, assist motorist assistance and all crime interdiction stops.



- c. Self-initiated activity in which an officer would normally notify the Dispatch Center.
- d. Searches of a person or property.
- e. All transports of prisoners and citizens.
- f. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

Although notice is not required by law, in certain circumstances it may prove beneficial to provide notice of the recording, using a phrase such as, "Our actions and words are being recorded," or "Our interaction is being recorded on my Body Camera". Such notice may assist an officer to deescalate confrontational situations.

Any delay or failure to activate their BWC as required by this policy, as well as any interruption of a recording required by this policy, shall be documented in the narrative section of any related report.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC or change the recording media. However, the BWC should be activated in situations described above as soon as reasonably practicable.



In the case of an accidental activation of their BWC where the resulting recording has no investigative or evidentiary value, officers may submit a deletion request containing sufficient information (e.g., date, time, BWC number) to the Chief of Police or his designee for review and determination if it had an official purpose. If the recording had no official purpose, it may be deleted in accordance with department policy and procedures.

1. CESSATION OF RECORDING

Once activated, the BWC shall remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

2. SURREPTITIOUS USE OF THE BODY WORN CAMERA (BWC)

Pennsylvania law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential. However, Pennsylvania law expressly exempts law enforcement from this prohibition during the course of a criminal investigation where certain requirements are met (18 Pa.C.S. § 5704). Nothing in this section is intended to interfere with an officer's right to openly record any interrogation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

3. EXPLOSIVE DEVICE



Many BWCs emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

E. PROHIBITED USE OF BODY WORN CAMERAS (BWCs)

Members are prohibited from using department-issued BWC and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of a supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recording under the following planning and internal matters is prohibited:

- a. During safety planning for domestic violence or sexual assault victims.
- b. During conversations with confidential informants and undercover officers.
- c. During officer-to-officer conversations.



- d. During Department administrative proceedings.
- e. During briefings or information sharing sessions to discuss tactics and strategy.
- f. Record images or conversations of officers without their knowledge during routine, non-enforcement related activities such as in locker rooms, restrooms, or any other place where there would be a reasonable expectation of privacy.

Members shall not use department issued BWCs while off duty.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

1. USE OF BODY WORN CAMERAS (BWCs) IN COURTROOMS

- a. An officer should not activate a BWC in a courtroom during judicial proceedings except when the officer reasonably believes there is an actual or imminent emergency warranting activation while on-duty or while acting in an official capacity (201 Pa. Code Rule 1910).
- b. Officers who activate a BWC in a courtroom shall notify the presiding judge as soon as practicable and within one business day provide a written report to the presiding judge and a supervisor. The report should include (201 Pa. Code Rule 1910):
 - i. The circumstances surrounding the activation.
 - ii. The times of activation and deactivation.
 - iii. An explanation of the officer's actions.

Any use or dissemination of the recording is prohibited without the written approval of the president judge of the court.

F. UPLOADING AND STORAGE CONCERNS



Officers shall ensure the BWC data is uploaded at the end of their shift, and when necessary, during the shift to ensure storage capacity is not exceeded. BWC recordings will only be uploaded and stored on a secure Department approved server via a protected wireless network or on a Department approved storage device.

BWC's will be stored in authorized locations when not in use. This area has been designated as the transfer station area of the Findlay Township Police Department workroom.

G. IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members shall download and categorize these in accordance with procedure and document the existence of the recording in any related case report.

Categories are as follows:

- a. Other – Any event other than those categorized.
- b. Accident – All accidents
- c. Arrest – All arrests
- d. Other Search/Seizure – Search/Seizures other than those conducted during an arrest
- e. Pursuit – All pursuits
- f. Use of force – All incidents involving use of force
- g. 302 – All incidents involving mental health centric transports
- h. Test – Only use if the activation was genuinely a testing of the system.



A member shall enter a secondary tag when the member reasonably believes:

- i. The recording contains evidence relevant to potential criminal, civil or administrative matters (Enter the Incident Number)
- ii. Any time an officer deems it necessary to add a tag for future searching purposes (Enter the Incident Number)

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

H. RETENTION OF RECORDINGS

The downloaded video recordings shall be maintained on the video storage device at least thirty (31) consecutive days from the date of the recording and are on hand and available for review by the Chief of Police, Police Captain, and Police Sergeants. Any reviews are done as needed based on citizen complaints, internal investigations, disciplinary actions or any warranted situations. The Chief of Police or his designee shall conduct a documented review of camera captured data for 30% of the patrol function semiannually. These reviews will be conducted for training purposes, officer safety reasons and to ensure adherence to policy and procedures. Pennsylvania Law requires that all audio recorded storage media are retained for a minimum of thirty-one (31) days following the date of the audio interception and that they are recorded over or otherwise destroyed no later than ninety (90) days after the date of the recording unless they are retained for evidentiary or training purposes in compliance with this written directive and the law.

Videos properly requested within 60 days retention will be extended for one year from the date of recording (18 Pa.C.S. § 67A03).



The Chief's designee, shall be responsible for the retention, duplication and purging of BWC recordings. The Program Manager, or the authorized designee, shall ensure recordings of incidents are maintained in accordance with this policy and department evidence retention procedures.

Officers shall not delete, restore, disseminate, edit, alter, or otherwise use the BWC recordings without the permission of the Chief of Police or designee.

1. RELEASE OF BODY WORN CAMERA (BWC) AUDIO/VIDEO RECORDINGS

The contents of the BWC audio/video recordings are considered "investigative" and / or "intelligence" in nature and as such are for department use only and are not open to random inspection or review, copies of BWC audio/video recordings will not be released to anyone with the exception of the district attorney's officer or other criminal justice agency and only with prior approval of the Chief of Police or his designee or recordings that are subject of a subpoena/court order. The cost of duplication will be the responsibility of the requesting entity.

I. REVIEW OF RECORDED MEDIA FILES

Security and access are controlled by the Evidence Library software. The Chief of Police or his designee shall establish permissions and assign individual officer passwords that limit/grant access to the system and recordings.

When preparing written reports, members are permitted to review the recordings of the incident as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.



Supervisors shall review the following recordings:

- a. Recordings of any officer injury.
- b. Recordings of any injury to any subject.
- c. Recordings of any use of force incident.
- d. Recordings of any vehicle pursuit and actions taken following the pursuit.
- e. Recordings related to a specific incident or call for service in response to an allegation of a rule or policy violation.
- f. Recording of any suspected member not following departmental policy guidelines.
- g. Recording of any citizen complaint.
- h. Random recording to ensure BWC policy compliance.
- i. Random recordings as designated by the Chief of Police or designee.

Supervisors may review the following recordings:

- a. Supervisors may review BWC audio/video related to a specific incident or call for service in response to an allegation of a rule or policy violation.
- b. Supervisors may utilize the information from the recordings during the completion of performance evaluations per the performance evaluations policy.
- c. Supervisors and Field Training Officers may review BWC recordings involving Probationary Police Officers and officers undergoing related remedial training for the sole purpose of evaluating the



performance of the Officer during their probationary period or remedial training period.

If a supervisor observes a serious violation during a review of BWC audio/video, they will document the violation observed, preserve the recording by assigning the appropriate category, and forward notification to the Chief of Police or his designee.

In situations where there is a need to review BWC recordings not covered by this policy, the Chief of Police or Captain must approve the request. The affected officer will be notified of the review. Each situation will be evaluated on a case-by-case basis. This review will be subject to counseling and training only.

Recorded files may also be reviewed:

- i. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- ii. By media personnel with permission of the Chief of Police or the authorized designee.
- iii. In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
 - a) All recordings should be reviewed by the Chief of Police or his designee prior to public release (see the Records Maintenance and Release Policy).
 - b) Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.



- iv. Recordings may be used for training purposes with proper authorization from the Chief of Police or his designee.

J. GRANT FUNDING

In order to ensure eligibility for grant funding for body-worn cameras from the Pennsylvania Commission on Crime and Delinquency, the Chief of Police or the authorized designee, will be responsible for (42 Pa. C.S. § 67A07):

- i. Confirming that this policy and any other agency protocol or guidelines on the use of body-worn cameras comply with recommendations made by the commission, as applicable.
- ii. Confirming that a copy of this policy and any other related protocol or guidelines are made available to the public on the department website and upon request as required by 42 Pa.C.S. § 67A07.

K. TRAINING FOR OPERATION OF BODY WORN CAMERAS (BWCs)

Subject to available resources, members who use BWCs shall receive initial training on the operation of BWCs as well as initial and annual training on this policy (42 Pa.C.S. § 67A07; 201 Pa. Code Rule 1910) and the practical use of BWCs in annual scenario-based training.