


Section:	Organization and Management Role	General Order:	1.8.2
Chapter:	Law Enforcement Role and Authority	Effective Date:	March 25, 2016
Title:	BODY WORN CAMERA AND MOBILE VIDEO/AUDIO RECORDING SYSTEMS	Issue Date:	September 1, 2016
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REVISED:			
Approved by Chief Jeffrey D. Besong			

1.0 POLICY

1.1 This policy establishes guidelines and procedures for the utilization of Body Worn Cameras (BWC) by members of the Point Park University Police Department. Additionally, this policy establishes procedures for the retention, duplication, storage, and purging of recordings from the BWC equipment, and the procedures to be followed by MVR Custodial Officers for the retention, duplication, storage, and purging of recordings.

It shall be the policy of the PPUP that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations. Only department issued BWC are authorized for use. Department personnel are not authorized to use privately-owned BWC while on duty.

2.0 PURPOSE

2.1 The purpose of this directive is to establish procedures for the use of body worn camera (BWC) equipment. The Point Park University Police (PPUP) uses body-worn cameras (BWCs) to enhance police services to the community by using video and audio to document events, actions, conditions, and statements made during citizen contacts, traffic stops, arrests, searches, and calls for service. The use of the (BWC's) will allow (PPUP) to accomplish many goals including, but not limited to, the following:

- 2.1.1 Allow members to more accurately document events, actions, conditions, and statements made during incidents.
- 2.1.2 Enhance a member's ability to prepare reports and present court testimony.
- 2.1.3 Improve the training capabilities of the PPUP.
- 2.1.4 Assist the PPUP with investigations of alleged misconduct.
- 2.1.5 Protect the PPUP and its members from civil liability resulting from wrongful accusations of misconduct.

2.2 This policy also does not regulate the operation of covert audio/video devices, which are used under the guidance of the Allegheny County District Attorney's Office and in accordance with Pennsylvania Law.

2.3 At the time of the issuance of this order, the PPUP has chosen the TASER Axon2 System as its BWC system, and TASER Inc.'s Evidence.com as the storage facility for media obtained from the Axon 2 MVR. Officers who are issued the Axon2 MVR will be trained on its use and on the use of the Evidence.com system. Supervisors will be trained on the Evidence.com system. If at any point in the future, the PPUP decides to utilize any other BWC system, this policy will remain in effect, and the officers will be provided training on the new system.

3.0 DEFINITIONS

- 3.1 Taser Axon2 Body Worn Camera system– all cameras, accessories, docking stations, etc. related to the Taser Axon2 On-Officer MVR System.
- 3.2 MVR Custodial Officers –Officers of the Point Park University Police who are specifically trained in the maintenance and care of the MVR equipment, and who are trained to maintain and administer the off-site storage of the recordings.
- 3.3 Agency Administrator – Officers of the PPUP who will be identified in the EVIDENCE.COM system at the administrator level, with full access to user rights.
- 3.4 End User – Officers of the PPUP who have been issued or assigned a BWC, and who has been given individual account access rights to EVIDENCE.COM.
- 3.5 Evidence Transfer Manager (ETM) - A computer server with built-in docking stations, physically installed at PPUP duty locations. The ETM simultaneously recharges the BWC equipment while digitally encrypting and uploading all data captured from the officer’s point of view during his/her shift. The ETM then digitally transfers the encrypted data to EVIDENCE.COM.
- 3.6 EVIDENCE.COM – An online, cloud-based digital media storage facility that can be remotely accessed by End Users and Administrators. This virtual evidence warehouse stores digitally encrypted data in a highly secure environment that is only accessible to approved personnel based upon their security clearance.
- 3.7 Media or Data – This includes photographs, audio and video recordings captured by the BWC. This evidence is then encrypted and stored digitally according to the PPUP Policy.

4.0 PROCEDURES-USER RESPONSIBILITIES

- 4.1 Every officer assigned shall receive training in the proper use and care of BWC equipment prior to their use of it.
- 4.2 The BWC should be attached to the officer’s uniform at mid-chest range for an overview of the Officers hands and outward view and placement will depend on the Officers height and field of view. Officers responsible for operating BWC equipment shall inspect the equipment prior to use and monitor its performance throughout their tour of duty. Any deviations in the operating condition, appearance, or suitability for its intended use shall be reported immediately to a supervisor. If equipment repair is needed an Equipment Repair Request email shall be sent. Officers shall never attempt any repair of BWC equipment.
- 4.3 Officers issued BWC equipment shall record ALL calls for service, traffic stops, citizen contacts, consensual encounters, investigative stops, on scene interviews, special assignments when directed by supervisor, and, where practical, accident scenes. Officers shall also record any other events, situations, and circumstances which the officer reasonably determines may be of evidentiary value and/or aid in the investigation of possible complaints of police misconduct”
- Officers shall cease recording incidents only upon completion of their involvement in the incident.
- 4.4 When an officer determines that recording media is nearing its maximum capacity or must be removed from service due to its evidentiary value, the officer shall return to PPUPD and upload the data on the designated computer.
- 4.5 Officers shall document in Informant under incident report and/or citations, arrest and related reports when video/audio recordings were made at the scene.
- 4.6 Officers shall inform those who ask that audio/video recording equipment is in use.
- 4.7 Officers shall not erase, or in any manner alter BWC media.

5.0 AXON2-OFFICER MVR RECORDING OPERATIONS

5.1 Utilization: When reasonable and safe to do so, members operating the BWC equipment shall record the following types of incidents:

- 5.1.1 Traffic and criminal enforcement stops.
- 5.1.2 In-progress Vehicle and Crimes Code violations.
- 5.1.3 Police vehicle pursuits.
- 5.1.4 Fatal crash or major crime scenes, as necessary, to document the scene.
- 5.1.5 DUI Stops / Standardized Field Sobriety Tests
- 5.1.5 Any other incident the officer deems appropriate while acting in the performance of his/her official duty.
- 5.1.6 When it is safe to do so, officers shall also record the following:
 - 5.1.6.1 Pat downs
 - 5.1.6.2 Obtaining consent to search
 - 5.1.6.3 Search incident to arrest
 - 5.1.6.4 Incidents whether listed or not, that becomes adversarial after initiated.

In an event the Officer fails to activate the BWC, the officer must articulate in an incident report the reason. The Chief of Police will be informed immediately to review the incident and actions of the officer(s).

5.2 Legal Requirements: Officer shall abide by the following legal requirements governing the use of BWC equipment:

- 5.2.1 Officers shall not use BWC equipment unless acting in the performance of their official duties, whether on-duty or working authorized secondary employment details.
- 5.2.2 Officers shall only use PPUPD issued BWC equipment, which has been approved for use in accordance with the Pennsylvania Bulletin.
- 5.2.3 Officers shall ensure that they are clearly identifiable as a law enforcement officer. This requirement is satisfied if the member is in uniform and operating a marked patrol vehicle, or by other means approved under General Order 1.8.11“Uniform, Equipment, and Appearance” and as governed by Pennsylvania legal precedent.
- 5.2.4 Only oral communications occurring in close proximity to the officer may be recorded. This legal requirement is satisfied by the current range settings of the wireless microphone.
- 5.2.5 **Officers shall inform all individuals identifiably present as soon as reasonably practical, that their oral/video communications will be or have been intercepted and recorded.**
- 5.3.0 Officers shall abide by the following additional requirements governing the use of BWC equipment
 - 5.3.1 When the recording function has been activated to record an incident, it shall not be deactivated until the incident has been completed. Officers are encouraged to narrate the video recording during a recorded incident, which will assist in establishing probable cause for enforcement action and assist in report writing.
 - 5.3.2 Officers shall not erase or alter BWC recordings, except for approved annotation in accordance with the training and capabilities of the BWC system (example – flagging a location in Evidence.com for use in court at a later date).
 - 5.3.4 Upon completion of an assigned shift, member shall ensure that the BWC’s battery is recharged. Each member will ensure that the assigned BWC equipment is connected to an Evidence Transfer Manager docking station, provided at duty location, at regular intervals. All data must be downloaded at the end of every shift.
 - 5.3.5 If the BWC equipment is damaged, it will be sent to an MVR Custodial Officer. The MVR Custodial Officer will ensure that the BWC equipment is repaired or replaced as necessary.
 - 5.3.6 Lost, stolen, or damaged BWC equipment shall be reported on a Lost/Stolen/Damaged Uniform or Equipment Claim.

5.3.7 Incidents involving any use of force, the BWC must be connected to Evidence.com and the MVR Custodial Officer will conduct period audits of officer compliance with this policy. Chief must be notified immediately.

6.0 RESTRICTED USES

6.1 Any use of the BWC for any purpose other than official law enforcement business is a violation of this policy. Non-law enforcement business can include, but is not limited to:

- a. Covertly recording other law enforcement personnel or openly recording other law enforcement personnel's break time or other personal activities (including personal phone calls, restroom, and/or locker use);
- b. Recording any communications with a supervisor, University official, or other University employee;
- c. Recording a conversation that the officer is not party to, unless the officer is handling a law enforcement incident and is in a lawful position when the recording occurs.
- d. The BWC devices shall not be used to record oral communications inside the dormitories or residence halls of any individual unless the officer is in fresh pursuit of the individual and deactivation of the MVR equipment would create a risk to officer safety. The Chief of Police must be notified immediately.
- e. The BWC devices shall not be used in department locker rooms, dispatch center, restrooms or any other place where there would be a reasonable expectation of privacy exists.
- f. Officers will not use the BWC to record a particular person based solely on the person's race, color, age, sex, marital status, sexual orientation, gender identity, creed religion, ancestry, national origin or disability.
- g. The BWC will not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.
- h. The BWC will not be used to record confidential informants or undercover officers.

7.0 DUPLICATION/RETENTION OF TASER AXON2 OFFICER MOBILE VIDEO RECORDINGS

- 7.1 The recordings produced on the BWC equipment are property of the Point Park University Police, and will be subject to PPUP policies regarding the viewing, release, retention and destruction of such evidence.
- 7.2 Any and all data and recordings created by the BWC equipment are the exclusive property of the PPUP. Officers will not duplicate, copy, tamper, misuse or otherwise possess any such data or recordings for any personal reason.
- 7.3 Officers shall not allow non-sworn personnel to view the BWC recordings without permission from his/her immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the digital evidence, or who are previously authorized to interact with PPUP evidence (example – PBP) are exempted from this restriction. Follow CHRIA rules.
- 7.4 Officers will ensure that all care is taken to prevent unauthorized persons from viewing the digital recordings. Any unauthorized use of the recordings will subject the member to disciplinary action. This includes, but is not limited to, the uploading or converting of the digital evidence for posting to any type of social media without the express permission of the Chief of Police.
- 7.5 Mandatory Retention: The following types of incidents recorded on BWC equipment shall be retained and processed as evidence by the MVR Custodial Officer in accordance with this regulation as soon as practical, using the capabilities of the Evidence.com system.
 - 7.5.1 Incidents which may result in the filing of misdemeanor or felony charges.

7.5.2 Incidents which are likely to become the subject of civil litigation against the PPUP or its personnel, including, but not limited to, patrol vehicle crashes, pursuits, critical incidents, incidents involving use of force, and incidents involving verbal complaint(s) against the PPUP or its personnel.

7.6 Requests for Retention: Any officer who believes that the retention of a recording not specifically required by this regulation is advisable (e.g., for use in a summary proceeding involving a serious traffic violation or training), shall notify the MVR Custodial Officer as soon as possible. MVR Custodial Officers shall evaluate each request in accordance with this regulation. Officers are advised, per this regulation, that all recordings collected by the BWC equipment will be purged no later than 90 days from the date of the last recording unless subject to legal obligation to retain the footage

7.6.1 All requests for duplication/retention are to be requested on PPUP Form #6.5.1B “Mobile Video/Audio Recording Request Form” found on the Police Officer’s I drive. The completed form must be sent to the MVR Custodial Officer.

7.6.2 When properly requested and approved, the MVR Custodial Officer will duplicate the recording of the incident from the Evidence.com system and ensure its delivery to the requesting officer in a timely manner. PPUP Form #69.10 will specify the reason that the recording is requested (example – court), and the date that the recording is needed.

8.0. DUPLICATION FOR TRAINING PURPOSES

Periodically, BWC will record events which may prove useful as training aids. When incidents recorded are perceived to be of value as a training aid, the following procedure shall apply:

- a. The officer/supervisor knowledgeable of the recorded incident will advise the Field Training Officer (FTO) of the significance of the recorded sequence.
- b. If it is the conclusion of the FTO that it is of value as a training aid, he/she shall make a request to the Chief, via chain of command, for a duplicate recording of the incident. Once approval is granted, the request shall be forwarded to the MVR Custodial Officer
- c. The MVR Custodial Officer shall retrieve the requested recording and duplicate the recorded segment referenced in the request. The MVR Custodial Officer shall then deliver the duplicate to the FTO.

9.0 MVR CUSTODIAL OFFICER RESPONSIBILITIES

9.1 MVR Custodial Officers shall be responsible for the retention, duplication and purging of MVR recordings. MVR Custodial Officers shall also ensure recordings of incidents are maintained in accordance with this policy and General Order #6.5.1 “Video Surveillance and Recording”.

9.2 MVR Custodial Officers shall ensure that the below-listed recordings are identified and retained in accordance with this policy. MVR Custodial Officers shall complete a supplemental report to the applicable incident report when an incident recording is retained. Electronically retained recordings shall be retained until the case is adjudicated or there is a court order, unless otherwise indicated below:

9.2.1 Recordings requested to be preserved by a member on the recording, a supervisor, where the recording may be necessary for use in any criminal or forfeiture proceeding.

9.2.2 Recordings requested to be preserved by a member on the recording or a supervisor, where the recording may be necessary for use in any summary proceeding involving a serious traffic violation. The retained recording shall be purged 90 days from the conclusion of all proceedings related to the citation.

9.2.3 Recordings requested to be preserved by a supervisor, where the recording may be necessary for use in any civil, administrative, or disciplinary proceeding. The recording shall be retained until destruction is authorized by the requester.

- 9.2.4 Recordings requested to be preserved by any individual who is a participant on the recording for use in any criminal proceeding. Such requests must be in writing to the Chief of Police, and should contain the date, time, and location of the recording and the names of the parties involved.
- 9.2.5 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding against the PPUP or its personnel. Such requests must be in writing, and should contain the date, time, location of the recording, and the names of the parties involved. Notice of the request shall be immediately provided to the Chief of Police and the recordings shall be retained for a minimum of two years from the date of the incident and shall not be destroyed without the permission of the Chief of Police.
- 9.2.6 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding that is not against the PPUP or its personnel. Such requests must be in writing to the Chief of Police, and should contain the date, time, location of the recording, and the names of the parties involved. The recordings shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under PPUP policies, whichever comes first.
- 9.2.7 Recordings that are the subject of a subpoena, court order, or request for pretrial discovery or inspection. Copies of the recording shall be furnished to the requester in accordance with existing PPUP policies.
- 9.2.7.1 In criminal cases, notice shall be provided to the prosecuting attorney.
- 9.2.7.2 In civil cases against the PPUP or its personnel, notice shall be immediately provided to the Chief of Police. The recordings shall be retained for a minimum of two years from the date of the incident and may not be destroyed without the permission of the Chief of Police.
- 9.2.7.3 In civil cases not against the PPUP or its personnel, the recordings shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under PPUP policies, whichever comes first.
- 9.2.8 MVR Custodial Officers shall ensure that all recordings on the Evidence.com system are purged 90 days from the date of the last recorded incident, after all properly requested and approved duplications have been made. A request for retention of a recording that has not been preserved after purging of the MVR media cannot be processed.

10.0 USE OF MEDIA COLLECTED BY THE BODY WORN CAMERA

- 10.1 Video and audio captured via the BWC will be used for official purposes only.
- 10.2 Each event must be categorized, according to the procedures established within Evidence.com, according to event type so that proper retention periods will be applied.
- 10.3 The use of the BWC shall be recorded in the appropriate section of PPUP reports, and in the remarks section of citations.
- 10.4 Officers may use media captured via the BWC to assist with investigations and the completion of required reports. Officers may also use the media captured by the BWC to assist investigators and supervisors in evaluating on-going situations.
- 10.5 Using the capabilities of Evidence.com, officers may add markers and/or create clips in order to assist investigators and/or prosecutors.
- 10.6 Officers may use media captured on the BWC for training purposes, with proper authorization from the investigative unit assigned the case. Additionally, Field Training Officers may use media captured via the AXON to provide immediate training to recruits and to assist with the completion of the Incident Report. Information pertaining to criminal incidents that are obtained from BWC can only be released to CHRIA agencies. All other non-criminal incidents footage can be reviewed with permission from the Chief of Police.

11.0 DELETION OF UNINTENTIONAL RECORDINGS

11.1 In the event of an unintentional activation of the BWC system during non-enforcement or non-investigative activities, (example – restroom or meal break), or in other areas where a reasonable expectation of privacy exists, officers may request that the MVR Custodial Officer delete the recording. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police by means of a PPUP Form #4.10 “Special Report”. To be approved, the request for deletion requires two-party authorization. One of those parties will be the Chief of Police or his/her designee, the other will be an authorized Agency Administrator for the Evidence.com system.

12.0 PENNSYLVANIA LAW

Wiretapping and Electronic Surveillance Control Act (*18 Pa. C.S. 5704(16)*)

It shall not be unlawful and no prior court order shall be required under this chapter for a law enforcement officer, acting in the performance of their official duties, to intercept and record an oral communication between individuals in accordance with the following:

1. At the time of the interception, the oral communication does not occur inside the residence of any of the individuals, and
2. At the time of the interception, the law enforcement officer:
 - a. Is in uniform or otherwise clearly identifiable as a law enforcement officer,
 - b. Is in close proximity to the individual’s oral communication,
 - c. Is using an electronic, mechanical or other device which has been approved under 18 Pa.C.S. 5706(b) (4), and
 - d. Informs, as soon as reasonably practical, the individuals identifiably present that they have intercepted and recorded the oral communication.