
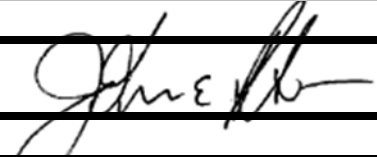


Chapter 15: Patrol Functions

	FERGUSON TOWNSHIP POLICE DEPARTMENT State College, Pennsylvania	
	Directive: 15.7	
Subject: Axon Body Worn Cameras, Recording Systems and Digital Evidence management		
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References		
By Authority of: John Petrick  Chief of Police		

15.07.00 PURPOSE

The use of Body Worn Camera, Mobile Video Recording, and Signal Sidearm equipment enables the Ferguson Township Police Department to accomplish many objectives including, but not limited to, the following:

- Enhance officer safety.
- Collection of evidence.
- Enable Officers to more accurately document events, actions, conditions, and statements made during incidents.
- Enhance an Officer's ability to prepare reports and present court testimony.
- Provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.
- Improve the training capabilities of the FTPD.
- Enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio and video recordings.
- Assist the FTPD with investigations of alleged misconduct.

15.07.01 POLICY

This policy establishes guidelines and procedures for the utilization of Body Worn Cameras (BWC), Mobile Video Recording (MVR) equipment, Signal Sidearm, Respond and Axon's digital evidence management applications and platforms by sworn members of the Ferguson Township Police Department (FTPD). Additionally, this policy establishes procedures for the

retention, duplication, storage, and purging of recordings from the BWC/MVR equipment, and the procedures to be followed by FTPD sworn members and the FTPD BWC/MVR Custodial Officer for the retention, duplication, storage, and purging of recordings.

15.07.02 DEFINITIONS

- AXON Body Worn Camera (BWC)- All cameras, accessories, docking stations, etc. related to the AXON On-Officer Mobile Video Recording (OMVR) System that provides high quality video and low light gathering capabilities. The AXON BWC can be mounted on the front of the officer's uniform shirt, exterior vest, or coat.
- AXON Mobile Video Recorder (MVR)- All cameras, accessories, equipment, etc. related to the AXON Fleet In-Vehicle Mobile Video Recording (MVR) System that provides high quality video and low light gathering capabilities. AXON MVR cameras are mounted in all FTPD patrol vehicles.
- Axon Signal- The automatic activation of Axon cameras in relation to the Axon signal device. These devices include, but are not limited to: Axon Fleet, Axon Signal Sidearm, Axon Taser devices.
- Signal Sidearm- A gun holster sensor that detects when a weapon has been removed from a holster and automatically prompts all nearby BWC and MCR cameras to start recording.
- BWC/MVR Custodial Officer-Member of the FTPD who is specifically trained in the maintenance and care of the BWC/MVR equipment, and is trained to maintain and administer the off-site storage of digital evidence.
- BWC/MVR Technician- Member of the FTPD assigned to track and oversee all AXON BWC/MVR equipment, to include the repair and replacement of equipment.
- Agency Administrator- Member of the FTPD who will be identified in the Evidence.com system at the administrator level, with full access to user rights.
- Chief of Police- The executive officer of the FTPD.
- Officer in Charge- In the absence of the Chief of Police, the sergeant acting as the executive officer of the FTPD.
- Sergeant- A sworn member of the FTPD holding the rank of sergeant.
- Corporal- A sworn member of the FTPD holding the rank of corporal.
- Detective- A sworn member of the FTPD holding the rank of detective.
- Officer- All sworn members of the FTPD who have been issued or assigned a BWC, and who have been given individual account access rights to Evidence.com.
- Evidence Transfer Manager (ETM)- A computer or docking station, physically installed at the FTPD station. The ETM simultaneously recharges the BWC equipment while digitally encrypting and uploading all data captured during the member's shift. The ETM digitally transfers the encrypted data to Evidence.com.
- Fleet Wireless Access Point (WAP)- Device that may be used to wirelessly and securely offload audio and video recordings from Axon fleet installed vehicles to Evidence.com.
- Evidence.com- An online, cloud-based digital media storage facility that can be remotely accessed by Law Enforcement Operators 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.

- AXON View XL/Axon Dashboard-Application installed on vehicle mounted mobile data terminal/s (MDT) allowing Officers to view, review, label, tag, and view real-time audio and video captured by BWC's and MVR's.
- Settings Tab- Ability to review information about MVR, BWC, and Network status on Axon View XL/Dashboard.
- Control Tab- Displays the current system status and recording status of MVR and/or BWC cameras in Axon View XL/Dashboard.
- Review Tab- Ability to review and add metadata to recordings in Axon View XL/Dashboard.
- Upload Tab- Ability to check the upload status of MVR recordings on Axon View XL/Dashboard.
- Recording- Audio and video recordings captured by the BWC and MVR. This evidence is then encrypted and stored digitally according to the FTPD policy.
- Digital Evidence- Evidence ingested into Evidence.com in the form of recordings, pictures, etc.
- BWC Normal (Buffering) Mode- The BWC continuously loops video recording for 30 seconds. Only video is recorded while in the buffering mode.
- MVR Normal (Buffering) Mode- The MVR continuously loops video recording for 30 seconds. Only video is recorded while in the buffering mode.
- Event Button- Allows officer to begin and end records and to initially pair their cameras.
- Select Button- Allows officer's to place the BWC in Mute mode, add a digital marker to an active recording or activate the backlight.
- BWC Mute- Holding the select button for three seconds will stop recording audio of an officer's active recording. Holding the select button again for three seconds re-enables audio of an active recording.
- Axon View XL/Dashboard Mute- Pressing the microphone icon on the MDT for either MVR or BWC will disable audio recording capabilities of and active recording for either the BWC or MVR.
- Manage Access/ Manage Evidence Access- Functional icon in Evidence.com allowing authorized users to lock or share BWC or MVR recordings
- Redact/Redaction-Functional icon/application in Evidence.com allowing Axon certified sergeants to redact specific audio and/or video of BWC/MVR recordings. Redacting a recording will not alter original recordings.
- Download- Functional icon in Evidence.com allowing authorized users to download BWC/MVR recordings.
- Audit Trail- Functional button in Evidence.com allowing authorized users to download either BWC/MVR audit logs and/or user audit logs.
- Delete- Functional button on Evidence.com allowing Agency Administrators to delete BWC/MVR recordings from Evidence.com.
- Reassign- Functional button in Evidence.com allowing authorized users to reassign a BWC/MVR recording to another Evidence.com user.
- Citizen Evidence- Functional application in Evidence.com allowing authorized users to send invitations to citizens for submission of digital evidence for ingestion into the FTPD Evidence.com account.
- Citizens for Communities- Functional application in Evidence.com allowing authorized users to create a portal allowing citizens to submit digital evidence for ingestion into the FTPD Evidence.com account.

- Import Evidence- Functional icon in Evidence.com allowing for ingestion of digital evidence into the FTPD Evidence.com account.
- Cases- Functional application allowing digital evidence to be identified under one case number.
- ID- An identifier of digital evidence uploaded in Evidence.com. FTPD will use a nine digit/numeric labeling format utilizing the Computer Aided Dispatch (CAD) number or current corresponding Records Management System (RMS) number.
- Title- A method to identify the nature BWC/MVR recordings in Evidence.com. For example: EMS for an ambulance assist or 10-45 for a motor vehicle crash.
- Retention Category- Identifies the length of time digital evidence will be retained in Evidence.com.
- Sync Cable- Axon provided cable allowing connection of BWC/MVR to a computer or Mobile Data Terminal (MDT). This may be used for viewing recordings on a computer or charging the BWC.
- Sleep Mode- Feature utilized to protect the privacy of the officer and/or sensitive information or locations when not recording. Buffering is not active during this mode.
- Stealth Mode- BWC users have the ability to change the visual and audio prompts of the BWC by selecting the stealth mode option in Axon View XL or Evidence.com
- Mount- Axon mount allowing the BWC to be placed on the shirt, vest or jacket.
- Respond- Application allowing for GPS location monitoring of BWC's. This application also allows for real time live viewing of officer's BWC's while in the record function.
- Video recall-Capture of lower resolution evidence when the camera is not actively recording with no audio.

15.07.03 DUTIES AND RESPONSIBILITIES

Chief of Police:

- Ensure all BWC/MVR/Signal Sidearm training is conducted in accordance with the provisions of this policy.
- Ensure all FTPD officers are trained on current policy and proper use of BWC/MVR equipment.
- Ensure a FTPD member is designated as the BWC/MVR Custodial Officer and BWC/MVR Technician.
- Identify the Agency Administrator through Evidence.com
- Ensure a sufficient number of BWC/MVR recordings are reviewed each month to confirm officers are following FTPD policy and procedure.
- The Chief of Police or designee will conduct annual reviews of the Portable Audio/Video Recorder program, to include review of this policy.
- Randomly review recordings.

Sergeants:

- Ensure officers use BWC's/MVR's in accordance with department policy and procedure.
- Sergeants shall have access to view all non-restricted BWC/MVR recordings through the Ferguson Sergeants Evidence.com account or their individual account if appropriate

licensing is available. Sergeants must be able to articulate the purpose for any reviewed recordings.

- Only Axon certified sergeants shall redact any recordings in Evidence.com. Axon certified sergeants shall not redact their own videos unless an exigency exists for public release. Prior approval to redact one's own video must first be obtained by the Chief of Police, or in his absence the Officer in Charge.
- Sergeants shall ensure their own BWC/MVR recordings and their patrol shifts BWC/MVR recordings are appropriately labeled (ID and Title) and marked for retention (retention category).
- Each sergeant must review one (1) random BWC/MVR recording per month per officer from their respective shift. Each review shall be documented in the BWC-MVR review folder on the Police shared drive.
- Sergeants shall review the following recordings:
 - ◆ Recording(s) of any officer injury.
 - ◆ Recording(s) of any actor injury.
 - ◆ Recording(s) of any vehicle or foot pursuit.
 - ◆ Recording(s) of any use of force incident greater than handcuffing.
 - ◆ Recording(s) of any citizen complaint.

Corporals:

- Ensure officers use BWC's/MVR's in accordance with department policy and procedure.
- Corporals shall have access to view their respective BWC/MVR recordings.
- Corporals shall ensure their own BWC/MVR recordings and their patrol shifts BWC/MVR recordings are appropriately labeled (ID and Title) and marked for retention (retention category).

Detectives:

- Detectives shall have access to view all non-restricted BWC/MVR recordings through their individual Evidence.com account as determined by the Chief of Police and as licensing allows.
- Detectives shall only view BWC/MVR recordings pertinent to criminal investigations assigned to them as part of their criminal investigative responsibilities.
- Detectives shall not review recordings for any internal investigative matters.
- Detectives must be able to articulate the purpose for any and all reviewed recordings.

BWC/MVR Custodial Officer:

- The BWC/MVR Custodial Officer shall have access to view all BWC/MVR recordings through their assigned Evidence.com account.
- Provide assistance to FTPD officers regarding the proper use of BWC/MVR equipment.
- Duplicate, store, and purge recordings made from BWC/MVR equipment in accordance with this policy.
- When advised of damaged or malfunctioning BWC/MVR equipment, ensure that authorized repairs are made in a timely manner.

- Randomly review, on a monthly basis, BWC/MVR files to ensure the equipment is operating properly and officers are using the BWC/MVR equipment appropriately and in accordance with this policy, and to identify any areas in which additional training or guidance is required.
- Maintain a record of assigned BWC and related equipment.
- Maintain a record of assigned MVR equipment.
- Conduct an annual inspection of all BWC/MVR equipment.
- Arrange for the warranty and non-warranty repair of the BWC/MVR units.
- Maintain BWC/MVR equipment.
- Update software and system settings as necessary.

Officers:

- Utilize BWC/MVR equipment in accordance with this policy.
- Wear BWC equipment on the front of their uniform shirt, vest or jacket.
- Mark BWC/MVR recordings for appropriate ID, Title, and Retention category according to this policy and state law.
- Officers must be able to articulate the purpose for any and all reviewed recordings.
- Utilize the Request for Duplication of Body Worn Camera Recording Form to request the BWC/MVR Custodial Officer duplicate a recording made from BWC/MVR equipment, in accordance with this policy.
 - ◆ Note: It is not the intent of the FTPD to review BWC/MVR recordings for the purpose of general performance review or to initiate disciplinary proceedings. The Chief of Police and FTPD sergeants may access BWC/MVR recordings for administrative investigations. Other than periodic supervisory reviews, the scope of the review of BWC/MVR recordings shall be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this random review require the Chief of Police and/or FTPD supervisor to articulate the purpose of expanding the scope of the review.

15.07.04 GENERAL CONSIDERATIONS

- Officer safety takes precedence over recording events and shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.
- Any and all data and recordings created or monitored by BWC/MVR equipment is the exclusive property of the Ferguson Township Police Department and will be subject to FTPD policies regarding the viewing, release, retention, and destruction of such evidence.
- Video footage obtained from BWC's/MVR's may not depict everything in an officer's field of vision at the time of an incident. Additionally, everything depicted on video footage may not have been seen by the officer at the time of the incident.

15.07.05 LEGAL REQUIREMENTS

- The General Assembly of Pennsylvania Senate Bill No. 560, Session of 2017 was signed by Governor Tom Wolf on July 7, 2017 and took effect on September 5, 2017. This bill amended Titles 18 and 42 Pennsylvania Consolidated Statutes in wiretapping and electronic surveillance.
 - ◆ The definition of “oral communication” in section 5702 of Title 18 of the Pennsylvania Consolidated Statutes was amended to read the following:
 - ◆ "Oral communication." Any oral communication uttered by a person possessing an expectation that such communication is not subject to interception under circumstances justifying such expectation. The term does not include the following:
 - (1) An electronic communication.
 - (2) 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) (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 Subch. D (relating to municipal police education and training), a sheriff or a deputy sheriff.

15.07.06 BWC/MVR PRE-OPERATIONAL PROCEDURES

- Officers of the FTPD shall not use the BWC/MVR/Signal Sidearm equipment until they have received the proper training. This will include initial training, annual refresher training, and if needed remedial training.
- The Chief of Police, or designee, shall be responsible for coordinating training and remedial training for the BWC/MVR/Signal Sidearm equipment and related policies.
- Operational problems with or damage to the BWC/MVR/Signal Sidearm equipment shall be reported to the officer’s supervisor. If no supervisor is working, the next oncoming supervisor shall be notified. The BWC/MVR Technician shall be notified within a reasonable time frame.
- Officers must also note any BWC/MVR/Signal Sidearm problems or damage on their Daily Activity Report.
- At the beginning of their shift, officers utilizing a BWC and vehicle MVR equipment shall sign in to the Axon View XL/Axon Dashboard application installed on the Mobile Data Terminals (MDT’s) in their respective patrol vehicle. Officers shall then ensure their BWC is paired with the vehicle MVR equipment. A test recording of BWC and one MVR shall be conducted ensuring functionality. The ID and Title will be left blank. The retention category will be labeled as Test.
- Patrol officers shall utilize the signal sidearm mount on their patrol duty weapon holster as installed by the department. Officers shall not attempt to damage, remove, or alter the

functionality of the device in any way. Officers shall utilize the device as instructed in training.

15.07.07 BWC OPERATIONAL PROCEDURES

- Utilization: Uniformed officers should activate, or ensure their BWC is activated, to record all contacts with citizens while in the performance of official duties. Officers shall utilize both the video and audio recording functions of the BWC equipment whenever it is employed, except where/when exempted by this policy or state law.
- Uniformed officers, including primary, secondary and assisting officers, shall start, when safely able to do so, their BWC recordings when an emergency response call is initiated via radio or communication from the Centre County Emergency Communication Center on the Mobile Data Terminal, or at the beginning of any self-initiated police action. For non-emergency response, Officers shall activate their BWC upon arrival at the scene, if not sooner.
- Officers using a BWC shall endeavor to record the following types of incidents:
 - ◆ Traffic and criminal enforcement stops/calls for service.
 - ◆ In-progress or reported Vehicle and Crimes Code violations.
 - ◆ Township Ordinance enforcement related contacts.
 - ◆ Serious/Fatal crash or major crime scenes, as necessary, to document the scene.
 - ◆ DUI stops/Standardized Field Sobriety Tests.
 - ◆ Detentions, investigations pursuant of an arrest, arrests, suspect interviews, and post Miranda interrogations.
 - ◆ Prisoner transports (unless MVR equipped vehicle is utilized).
 - Note: Transports of individuals other than prisoners may be recorded at the discretion of the transporting officer.
 - ◆ Searches of vehicles and/or persons.
 - Note: Excluding strip and body cavity searches.
 - ◆ Execution of search warrants.
 - ◆ Consent searches.
 - ◆ Police Pursuits.
 - ◆ Any other incident the Officer deems appropriate while acting in the performance of their official duties.
- Officers are authorized to use BWC sleep mode while at station when not engaged in mandatory recording requirements. Officers shall return the BWC into buffering mode upon leaving station.

15.07.08 PATROL VEHICLE MVR OPERATIONAL PROCEDURES

- Patrol vehicle's equipped with MVR equipment have preset activation triggers that automatically begin recording audio and video footage under certain circumstances that include:
 - ◆ Activation of emergency lights
 - ◆ Activation of emergency lights and siren
 - ◆ Speed in excess of 80 MPH
 - ◆ Vehicle crashes activated by Fleet camera accelerometer

- Utilization: Uniformed officer's operating MVR equipped patrol vehicles shall utilize both the video and audio recording functions of the MVR equipment whenever it is employed, except where/when exempted by this policy or state law.

- Uniformed officers operating MVR equipped patrol vehicles shall endeavor to record the following types of incidents:
 - ◆ Traffic and criminal enforcement vehicle stops
 - ◆ In progress Vehicle and Crimes Code violations
 - ◆ Patrol vehicle travel when emergency lights and/or siren are activated
 - ◆ Serious/Fatal crash or major crime scenes, as necessary, to document the scene.
 - ◆ DUI stops/Standardized Field Sobriety Tests.
 - ◆ Prisoner transports.
 - Note: Transports of individuals other than prisoners may be recorded at the discretion of the transporting officer.
 - ◆ Searches of vehicles and/or persons.
 - ◆ Police Pursuits.

Any other incident the Officer deems appropriate while acting in the performance of their official duties.

15.07.09 BWC/MVR ADDITIONAL OPERATIONAL PROCEDURES

- Although not required by law, officers utilizing a BWC/MVR may inform individuals identifiably present that audio and video recording equipment is being utilized and their actions are being recorded.

- Officers shall not use BWC/MVR equipment unless acting in the performance of their official duties.

- Notwithstanding the exemptions contained within this policy or state law, when the recording function has been activated to record an incident, it shall not be deactivated until the incident has been completed unless a detailed investigation would be compromised. An example would include a member of the public refusing to speak with an officer while utilizing a BWC or MVR. Officers are encouraged to narrate the video recording during a recorded incident to aid in establishing probable cause for enforcement action and assist in report writing.

- With the exception of police radios, officers shall ensure the volume from other electronic devices within the police patrol vehicle does not interfere with BWC/MVR equipment, specifically the audio portion.

- When practical, officers shall monitor the position of the BWC to ensure the BWC is capturing evidentiary versus non-evidentiary (e.g. ground, sky) footage.
- When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shooting, departmental accidents), a supervisor shall respond to the scene, take custody of the **BWC** and equipment, and ensure the recorded media is downloaded to Evidence.com according to this policy. If no supervisor is working, the on-call sergeant shall be notified. The BWC/MVR Technician shall be notified as soon as practicable and a duplication of the recording shall be made.
- When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shooting, departmental accidents), a supervisor shall respond to the scene and ensure the **MVR** recordings are downloaded into Evidence.com according to this policy. If no supervisor is working, the on-call sergeant shall be notified. The BWC/MVR Technician shall be notified as soon as practicable and a duplication of the recording shall be made.
- At the end of their assigned shift, officers shall:
 - ◆ Ensure the BWC equipment is connected to an Evidence Transfer Manager docking station at FTPD for download and automatic upload into Evidence.com.
 - ◆ Ensure the BWC battery is recharging.
 - ◆ Ensure each recording is properly labeled.
 - ◆ Ensure the appropriate retention category is selected.
- At the end of their assigned shift, officers shall:
 - ◆ Ensure the MVR equipment is connected to the designated Fleet Wireless Access Point (WAP) at FTPD for download and automatic upload into Evidence.com, or when equipped, already uploaded via secure wireless connection.
 - ◆ Officers shall not stop the automatic upload when swapping or storing their patrol vehicle.
 - ◆ Ensure each recording is properly labeled.
 - ◆ Ensure the appropriate retention category is selected.

15.07.10 ADDITIONAL PROCEDURES

- Any officer who intentionally disables or damages any part of the BWC/MVR/Signal Sidearm equipment or system or who fails to follow the regulations of this policy without a justifiable reason, will be subject to criminal and/or internal disciplinary action, up to and including dismissal.

- Officers shall notify their shift supervisor and the BWC/MVR custodial officer of any visually sensitive material, to include but not limited to nudity or sexual acts. Sergeants and/or the BWC/MVR custodial officer will ensure the recording is restricted through the Manage Access option in Evidence.com. The recording shall be restricted to only agency administrators, unless specific need arises (Example: An ongoing investigation conducted by a detective, court, etc).
- Officers shall not erase, delete, redact or otherwise alter any BWC/MVR pictures or recordings, except for approved annotation in accordance with the training and capabilities of the BWC/MVR (Example: Flagging a location in Evidence.com for use in court at a later date).
 - In the performance of their official duties, Axon certified sergeants are permitted to redact recordings.
- Officers will not duplicate, copy, or otherwise possess any such data or recordings for any personal reason.
- Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as video camera, cell phone or other device to record or capture digital evidence from a BWC/MVR device and/or digital evidence storage is strictly prohibited.
- Officers will not intentionally activate the BWC/MVR to record conversations of fellow employees or other officers without their knowledge during routine, non-enforcement related activities.
- Officers shall not allow non-sworn personnel to view the BWC/MVR recordings without permission from the Chief of Police. Non-sworn Ferguson Township Police employees who are directly involved in the investigation and/or prosecution of a criminal case related to the digital evidence are exempted from this restriction.
- Officers will ensure all care is taken to prevent unauthorized persons from viewing the digital recordings. Any unauthorized use of the recordings will subject the officer 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.

15.07.11 EXEMPTIONS TO AUDIO AND/OR VIDEO RECORDING

- There may be occasions when an officer is unable to activate, or may deem it necessary to temporarily deactivate the audio and/or video recording function on a BWC/MVR. Officers shall be prepared to articulate their rationale when exercising this discretion. In cases where it is necessary or prudent to temporarily suspend an audio and/or video recording, the member shall, when reasonable, declare on the recording the reason for suspension of the recording prior to deactivation. Upon reactivation of the recording, the member shall state that the recording shall resume. Situations when audio and/or video recording shall not occur include, but are not limited to:

- ◆ When interacting with a victim or witness who refuses to cooperate if the BWC/MVR is recording. If possible, a request should be captured prior to camera deactivation.
- ◆ Protecting the anonymity of an informant or other confidential source of information.
- ◆ Officer safety concerns.
- ◆ Administrative conversations.
- ◆ Conversations involving sensitive law enforcement information.
- ◆ Privacy during an attorney/client conversation.
- ◆ Encounters with undercover officers.
- ◆ Any location within the FTPD where individuals have a reasonable expectation of privacy, such as a restroom, locker room, patrol room, administrative offices, clerical area, or break room.
- ◆ When a patient is receiving a medical or psychological evaluation by a clinician or similar professional, or during treatment. Although recording within a medical facility is not recommended, but if deemed necessary, officers shall be careful to avoid recording individuals not related to the incident being investigated.
- ◆ While engaged in conversations with individuals with whom the officer is in a privileged relationship (Example: Spouse, attorney, police peer counselor, clergyman, psychiatrists, etc).

15.07.12 ACCIDENTAL RECORDINGS

- In the event of an accidental activation of their BWC/MVR where the resulting recording has no investigative or evidentiary value, officer may submit a deletion request to the Chief of Police or his/her designee for review and tracking. This shall be done prior to the completion of their current shift and shall be done in writing in the form of an email or memo.
 - The Chief of Police or agency administrator may not delete their own accidental recordings and shall notify another administrator in the form of an email or memo if requesting deletion.
- In the event of an accidental recording of the BWC/MVR where the resulting recording contains evidentiary value and accidental recording, officers may submit a redaction request to the Chief of Police or his/her designee for review and tracking. This shall be done prior to the completion of their current shift and shall be done in writing in the form of an email or memo.
 - The Chief of Police or agency administrator may not delete their own accidental recordings and shall notify another administrator in the form of an email or memo if requesting redaction.
- Officers shall ensure the request contains sufficient information (e.g., date, time, BWC/MVR number) to locate the recording.
- The Chief or his/her designee shall review accidental recordings and determine whether or not the recording had an official purpose, or should otherwise be retained pursuant to this policy. If the recording had no official purpose, and if this policy does not otherwise

require the retention of the recording, it may be redacted or deleted. An audit log on the history of every recording will be maintained in the storage system.

15.07.13 REVIEW OF BWC/MVR RECORDINGS

- Officers may view their own BWC/MVR recordings to assist in accurate report writing, testifying in court, for training purposes, and debriefing.
- Officers who are the subject of an administrative investigation may view their own BWC/MVR recording in the presence of their immediate supervisor or the Chief of Police and labor representative, if requested.
- Deadly Force/Critical Incident
 - ◆ In an attempt to determine the unadulterated thought process and feelings perceived by the officer at the time of the critical incident, officers may view their BWC/MVR recordings related to the incident after being interviewed.

15.07.13 MOBILE APPLICATIONS

- Officers, if equipped, may utilize secure mobile applications while in the performance of their official duties. These applications, include Axon View, Axon Capture and Axon Respond.
 - Digital Evidence captured on any application shall be uploaded to Evidence.com.
 - Digital Evidence captured shall be labeled as identified in this policy.
- Axon Citizen and Axon Citizen for Communities
 - Officers may utilize Axon Citizen while in the performance of their duties.
 - Citizen for Communities is meant to be, and should be considered for, large criminal investigations in which significant potential for digital evidence exists and is likely to come from the public. The Agency Administrator, Chief of Police and Sergeants shall have the capabilities to initiate a Citizens for Communities portal.
- Axon Respond
 - Officers may utilize Axon Respond to view GPS locations of other officers when needed for official law enforcement purposes.
 - Supervisors may utilize Axon Respond to view GPS locations of other officers when needed for official law enforcement purposes.
 - The Chief of Police and Sergeants shall have access to Axon Respond+ to view live streaming video from all FTPD issued BWC's when recording. Any utilization shall be for official law enforcement purposes and be articulable for any and all access.

15.07.14 ACCESSING BWC/MVR STORED DATA

- Evidentiary copies of digital images and/or recordings will be assessed and copied from the digital storage source using department approved equipment and for official law enforcement purposes only. Temporary access rights may also be granted to the Centre County District Attorney's Office, or other prosecutorial agencies associated with any future prosecution or civil case arising from an incident in which the BWC/MVR was utilized.

15.07.15 RETENTION OF BODY WORN CAMERA RECORDINGS

- Upon upload of BWC recordings to Evidence.com, each officer is responsible for accessing Evidence.com and ensuring the uploaded files have been properly labeled and marked for retention. Multiple retention categories may be used.
 - ◆ The original department specific CAD number of an incident shall be used by initial officers responding to a call for service. Any additional officer response, supplements or follow up requiring BWC/MVR/Interview recordings, the CAD or corresponding RMS number may be utilized using the department identified nine digit/numeric labeling format.
 - ◆ The following will be the FTPD standard of practice for labeling:
 - YLLNNNNN
 - YY-Last two digits of the current year
 - LL-CD utilized if labeling using the CAD number or FT if using the RMS number
 - NNNNN-Last five digits of the CAD or RMS number
 - Test recordings and recordings not needed as required by policy shall now be labeled as:
 - YYCD99999
 - ◆ The Title shall be used to identify the incident type (DUI, Assault, etc).
 - ◆ Each recording shall be labeled with the appropriate Retention category
 - The following Retention categories are used by the FTPD:
 - General
 - Examples include: Motorist Assists, Ambulance Assists, Traffic Stops without citation, etc.
 - Summary Non-Traffic citation (Only if cited)
 - Summary Traffic citation (Only if cited)
 - Misdemeanor offense (regardless of charging)
 - Felony offense (regardless of charging)
 - Use of Force (Any use of force option greater than handcuffing)
 - Officer Injury
 - Sexual Assault/Indecent assault
 - MCSAP (Observed violations) (Motor Carrier Safety)
 - Training
 - Test
 - Permanent
 - Examples include: Murder, Drug Delivery Resulting in Death, etc.

- In the event a recording is initiated and no CAD number is required, the recording ID will be marked as YYFT99999 with the Retention category categorized as General. Examples would include the activation of Axon Fleet anticipating a traffic stop, but no traffic stop was conducted, being approached by a citizen without need for a CAD number, or an unintended signal activation of your BWC.
- If utilizing a mobile device (cellular telephone, IPOD, MDT or other Bluetooth capable device) the officer may complete the file ID, Title, and Retention category prior to the recordings being uploaded to Evidence.com.
- A recording captured on BWC/MVR equipment will be retained for at least 70 days following the date the recording was created or, if a request for a recording pursuant to the procedures established in Chapter 67A of Title 42 is received, until the final disposition of the request or the expiration of the time periods allowed for the seeking of judicial review.
- If not the subject of a request under Chapter 67A of Title 42, a recording should be deleted within 90 days of the date of its creation, unless one of the following applies:
 - ◆ The content of the recording has resulted, or may result, in the initiation of any criminal charges, summary proceedings, or any other criminal citations. Recordings retained pursuant to this subparagraph shall be destroyed according to FTPD policy 10.1, Evidence and Recovered Property and state law.
- Barring exigent circumstances, officers shall access and label uploaded files by the end of their shift but in any event no later than the following day.
- Video Recall- BWC/MVR video recall shall only be utilized in circumstances in which crucial evidence may have been captured and the recording feature not activated. This feature shall only be utilized by the BWC/MVR administrator and/or the Chief of Police. Access to video recall shall only be done with permission or direct request from the Chief of Police.

15.07.16 DISSEMINATION

- The contents of BWC/MVR audio and video 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. Any dissemination of a recording will be governed by current statute as well as guidance provided by the Centre County District Attorney's Office and will only be released with the approval of the Chief of Police or his/her designee on a case by case basis.
 - ◆ Copies of recorded events for a misdemeanor, felony, or criminal contempt citation for violation of a Protection from Abuse Order or other criminal case

will not be disseminated without the express consent of the Centre County District Attorney or a designee.

- ◆ Copies of any other recorded event will only be released to other criminal justice agencies for court, investigative, or training purposes. Copies will only be released to any outside agency after an official request is received and must be approved by the Chief of Police or his/her designee.
 - ◆ Any cost associated with the duplication/redaction of audio and video recordings will be the responsibility of the requestor.
- Any request for copies of recordings under a civil subpoena will be directed to the Chief of Police.

15.07.17 REQUESTS FOR RECORDINGS

- Requests for recordings are not subject to the Right to Know Law.
- Requests for recordings must:
 - ◆ Be made within 60 days of the date they are created,
 - ◆ State with particularity the incident requested, including date, time and location, and the relationship of the requester to the incident,
 - ◆ Identify each individual present, if known or reasonably ascertainable, if the recording is made inside a residence,
- Requests are to be made to the Chief of Police.
 - ◆ The Chief of Police will respond to the request within 30 days of the receipt of the request.
 - ◆ Requests will be denied if the recordings contain potential evidence in a criminal matter, information regarding an investigation, confidential information or victim information, or are a matter in which criminal charges have been filed. If the Chief of Police intends to disclose this information, he/she must first get the written agreement of the Centre County District Attorney's Office.
- Appeals for denials are not heard by the District Attorney's Office. The requester must file a petition for review to the Court of Common Pleas within 30 days of the denial. Requests for recordings are not subject to the Right to Know Law.

15.07.18 NON-MANDATORY DUPLICATION/RETENTION OF BWC/MVR RECORDINGS

- In addition to records request pursuant to the procedure established in 42 Pa.C.S. Chapter 67A (referring to public requests for audio or video recordings by a law enforcement agency), the Department will honor requests for the retention of recordings in the following circumstances:
- The BWC/MVR Custodial Officer shall ensure the following types of recordings made from BWC/MVR equipment are stored in accordance with this policy:

- ◆ A recording requested to be preserved by an officer appearing on the recording, an officer investigating a violation of law, or a police supervisor, where the recording may be necessary for use in any criminal or forfeiture proceeding.
- ◆ A recording requested to be preserved by a police supervisor, the Chief of Police, the Ferguson Township Manager, or the Ferguson Township Solicitor, where the recording may be necessary for use in any civil, administrative, or disciplinary proceeding. The duplicated recording shall be retained until destruction is authorized by the requester.
- ◆ A recording 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, and should contain the date, time, and location of the recording, and the names of the parties involved.
- ◆ A recording requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding against the FTPD or its personnel. Such requests must be in writing, and should contain the date, time, and location of the recording, and the names of the parties involved. Notice of the request shall be immediately provided to the Ferguson Township Manager and Ferguson Township Solicitor. The duplicated recording 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 Ferguson Township Manager and/or Ferguson Township Solicitor.
- ◆ A recording 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 FTPD or its personnel. Such requests must be in writing, and should contain the date, time, and location of the recording, and the names of the parties involved. The recording shall be duplicated and retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under FTPD regulations, whichever comes first.
- ◆ A recording that is 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 FTPD regulations.
- ◆ In criminal cases, notice shall be provided to the prosecuting attorney.
- ◆ In civil cases against the FTPD or its personnel, notice shall be immediately provided to the Ferguson Township Manager and Ferguson Township Solicitor. The duplicated recording 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 Ferguson Township Manager and/or Ferguson Township Solicitor.
- ◆ In civil cases not against the FTPD or its personnel, the recording 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 FTPD regulations, whichever comes first.

A recording requested to be preserved by an officer, police supervisor, and/or Chief of Police for training purposes. The recording shall be duplicated and provided to the requester, who may retain the recording indefinitely.

- ◆ A recording requested by the Chief of Police to be preserved for any purpose authorized by law. The recording shall be duplicated and provided to the requester, who may retain the recording for the period authorized by law.

15.07.19 FACIAL RECOGNITION SOFTWARE OR PROGRAMS

- If facial recognition software or programs are developed which interface with the Department's BWC's, prior to the implementation or use of such software or programs, the Department will establish policies and procedures relating to the use of facial recognition software and programs which are in accordance with applicable law and regulation, and which will be limited to any specific software or programs which may be approved by the Pennsylvania State Police.

END OF POLICY