



SPRINGFIELD TOWNSHIP POLICE DEPARTMENT
Wyndmoor, Pennsylvania

Policy 2-11

Policy Title: Mobile Video and Body Worn Cameras

Date of Issue: March 6, 2023

Rescinds: Policy 2-11 dated December 1, 2022

By Authority of:

Chief of Police

I. Purpose

The purpose of this general order is to provide police personnel with guidelines for the use of Mobile Video Recorders (MVR) equipment and for the use of Body-Worn Cameras (BWC's) so that officers can reliably record their interactions with the public in accordance with the law.

II. Policy

The utilization of MVR equipment and BWC's has been proven to be of value in officer protection, the prosecution of traffic offenses, the prosecution of criminal offenses, evaluation of police procedures and performance, and for training of police personnel. In order to comply with state law and to achieve maximum benefit from this equipment in the aforementioned areas, officers shall follow the procedures set forth in this policy for the use of MVR equipment as well as BWC's. This policy does not govern the use of surreptitious recording devices used in undercover operations.

It is the policy of this department that officers shall activate the MVR and 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. The use of MVR and BWC equipment and media storage shall be utilized in accordance with Federal and State Law to include (18 PA. C.S.) and Judicial Code (42 PA. C.S.) Chapter 57, as amended in Act 22 (P.L. 304) Section 67 A07.

III. Definitions

- A. Activate: Any process or action that causes a Body-Worn Camera (BWC) and/or Mobile Video Recorder (MVR) to begin recording and storing both audio transmission and/or visual images.
- B. Body-Worn Camera (BWC): A Mobile Video Recording device that is not permanently mounted in a vehicle. The non-vehicle mounted device shall include, but not be limited to, mobile video recorders worn on or about a law enforcement officer's person.

- C. Bookmark – Term used in the MVR system to permanently add information and descriptions to the captured video. Bookmarks are part of the video file and cannot be amended or removed after they have been applied. These bookmarks can be applied in the vehicle at the end of the recording, or at a viewing station at the police station through the software.
- D. Confidential Information – Can include, but not limited to, any of the following:
 - 1. The identity of a confidential source.
 - 2. The identity of a suspect or witness to whom confidentiality has been assured.
 - 3. Information made confidential by law or court order.
- E. De-activate: Any process or action that causes a recording device to stop recording and storing both audio transmissions and visual images.
- F. Information Pertaining to an Investigation – An audio recording or video recording which contains, but is not limited to, any of the following:
 - 1. Complaints or depictions of criminal conduct, including all actions or statements made before or after the criminal conduct that are part of or relate to the same incident or occurrence.
 - 2. Upon disclosure, information that would:
 - i. Reveal the institution, progress or result of a criminal investigation;
 - ii. Deprive an individual of the right to a fair trial or an impartial adjudication;
 - iii. Impair the ability of the Attorney General, a district attorney, or a law enforcement officer to locate a defendant or co-defendant;
 - iv. Hinder the ability of the Attorney General, a district attorney, or a law enforcement officer to secure an arrest, prosecution or conviction; or
 - v. Endanger the life or physical safety of an individual.
- G. Information Technology (IT) – Includes, but is not limited to, the Township’s computer network, servers, routers, switches, computers, cellular telephones, printers, scanners, electronic mail, mobile data computers, and other devices.
- H. Intercept: Aural (hearing/listening) or other acquisition of the content of any wire, electronic or oral communication through the use of any electronic, mechanical, or other device.
- I. Mobile Video Recorder (MVR): An In-Car Camera system (camera, microphone, recorder and monitor) installed in a vehicle that records audio and video and interacts with the BWC in

accordance with Title 18 section 5706(b)(4) (Exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices) and is listed in the Pennsylvania Bulletin.

- J. 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 (18 Pa. C.S. 5701). The term does not include:
 - 1. An electronic communication; or
 - 2. A communication made in the presence of a law enforcement officer who is using an electronic, mechanical or other device which has been approved under 18 Pa. C.S. 5706(B)(4) to intercept the communication in the course of law enforcement duties.
- K. Recorded Event: Any and all BWMCS recordings including, but not limited to criminal investigations, police activity, traffic enforcement, crash investigations, or blocked-out portions of time.
- L. Recorded Media: Audio-video signals recorded or digitally stored on a storage device or portable media.
- M. Pre-Recording Period – Time period for video data that is retained in the system buffer prior to the start of the recording. The video data is saved as a file to the memory card when a trigger event occurs. Video and audio data is then appended to this file. There is no audio recorded during the pre-recording period.
- N. Post-Recording Period – Time period for video data that is appended to the current video file on the memory card. This video data is recorded after the stop button has been pressed. There is no audio recorded during the post-recording period.
- O. Trigger Event – An event that causes the vehicle MVR to begin saving video/audio recordings. Events include activation of the emergency 360 lights, vehicle speed exceeding preset threshold setting, and manual activation of the MVR system.
- P. Video Tag – Term used in the MVR system as an indicator for the type of incident recorded. Retention is based on this video tag. The video tag is applied by the recording officer in the vehicle at the end of the recording, or at a viewing station at the police station through the software.
- Q. Viewing Station – Workstation with appropriate software loaded to allow viewing of uploaded video data. Officers will be able to view only their own video. Sergeants and Corporals will be able to view their platoon's video for purposes of evaluation and training.
- R. Wiretap Act: The Pennsylvania Wiretapping and Electronic Surveillance Control Act (18 Pa.C.S. 5701, et seq.)

- S. Wireless Upload – When a police vehicle equipped with a MVR is within range of the wireless access point installed at the police station, the recordings stored on the vehicle MVR are automatically transferred over a wireless connection to the Department's MVR server.

IV. Administration

Authority for police officers to utilize audio and visual equipment is vested in The Pennsylvania Wiretapping and Electronic Surveillance Control Act. The use of MVR and BWC equipment allow for accurate documentation of police-public contacts, arrests, crime scenes, traffic crashes, interviews, and critical incidents. It serves to enhance the accuracy of officer reports and testimony in court. It provides evidence for investigative and prosecutorial purposes.

Audio and video recordings also enhance the Springfield Township Police Department's ability to review probable cause for arrest, officer and suspect interaction, and information for officer evaluation and training. Officers shall only use department-issued equipment which complies with the guidelines established under Pennsylvania Title 18 PA.C.S., Crimes and Offenses, Section 5706 (b) (4), (5), and (6), relating to exceptions to prohibitions in possession, sale, distribution, manufacturer or advertisement of electronic, mechanical or other devices.

The Chief of Police, or his designee, will perform an annual review of this policy and its implementation in conjunction with the Office of the Township Manager. A violation of this policy by any member of the department, may subject the violator to disciplinary action, up to and including termination, and / or possible criminal charges.

V. Training & Operating Procedures

- A. Training - Officers shall not use the Digital Mobile Video, Audio Recording, and Body Worn Camera equipment until they have successfully completed the following:
 - 1. Proper training on the use of the system. Officers will receive periodic updates on usage, performance, deactivation, and policy changes. Training can be completed when required or reviewed through the WatchGuard Online Training website, <http://training.watchguardvideo.com>. The Chief of Police, or his designee, will create user accounts for each officers. Any training certificates shall be forwarded to the Office of the Chief of Police and be kept on record.
 - 2. Review of this policy.
 - 3. A demonstrated competency in the use of the equipment.
 - 4. A demonstrated familiarity with the Pennsylvania Wiretapping and Electronics Surveillance Control Act, Title 18, chapter 57.
- B. Operating Procedures for MVR Equipment - Officers shall adhere to the following procedures when utilizing the MVR equipment:

1. MVR equipment installed in a police vehicle is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations.
2. MVR equipment use is mandatory for all properly trained officers assigned to equipped vehicles.
3. At the beginning of each shift, officers assigned to an equipped vehicle will complete the following:
 - a. Determine whether the equipment is working satisfactorily and bring any problems to the immediate attention of a supervisor.
 - b. Ensure that the equipment remains in the power "ON" status and that the camera lens is directed to the front of the vehicle and depicting a clear picture on the monitor.
4. Power to the equipment should only be turned off when the patrol vehicle is taken out of service at the end of a shift.
5. The equipment will be configured in such a way as to automatically activate when there is a Trigger Event, i.e. the vehicle's 360 lights are in operation, the vehicle speed reaches 80 MPH, the wireless microphone is activated, or the officer manually activates the equipment. The MVR may be manually deactivated during non-enforcement activities. Non-enforcement activities will include, but not be limited to, traffic control at crash scenes, disabled vehicles, or other road hazards.
6. Officers will ensure that the equipment, to include audio, is in operating order during the entire shift to be utilized on all car stops, vehicle investigations where an occupant is present, or other enforcement actions. In so doing officers will ensure that:
 - a. The camera lens is properly positioned and adjusted to video record events.
 - b. Audio microphone is activated for all car stops to include the capturing of the reading of a Consent to Search form and a subject's verbal response.
 - c. The wireless microphone is activated and in proper position in order to provide a complete recording of the voice communications between the officer and contacted person(s).
7. In addition to utilization for car stops, MVR shall be used on:
 - Pedestrian Stops
 - Pursuits
 - All emergency responses for calls for service

- 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.
 - Any arrest in a public area and in proximity to the police vehicle.
 - Whenever a prisoner is in or near the police vehicle.
 - Anytime the officer is involved in a crash.
 - When transporting any member of the public in their patrol car while on official business.
 - Anytime the recording would prove useful in later judicial proceedings and doesn't violate a reasonable expectation of privacy.
8. Officers shall not stop recording an active event, situation, or circumstance by their own discretion or at the demand of anyone other than a supervisor, except as required by law or this policy.
 9. When the event ends, the officer will manually stop the recording and bookmark the incident.
 10. Officers may use the MVR at:
 - Crime and crash scenes
 - Documentation of evidence or contraband
 - Victim injuries and interviews
 11. When feasible, officers should position their vehicle to accomplish usable recordings. However, officer(s) and violator safety is the primary concern. Officers should never sacrifice their, or another officer's or violator's safety in an attempt to gain a good camera picture.
 12. Officers shall not erase, alter, or in any manner tamper with the recording medium utilized in the equipment.
 13. When a police vehicle equipped with MVR equipment is within range of the wireless point installed at police headquarters, the recordings stored on the vehicle MVR equipment are automatically transferred over a wireless connection to the department's server.
 14. Officers should inform their supervisor of any recorded incidents that may contain evidence or information requiring additional investigation, that is valuable for training purposes, or that may be relevant to potential allegations of civil or criminal misconduct.

15. Officers shall indicate in any written report when a recording was made that the incident was recorded. Officers may review MVR recordings prior to writing incident reports. Officers may access a viewing station to review their own videos and videos may also be tagged at this time if they were not video tagged while on the street.

C. Operating Procedures for Body-Worn Camera (BWC) Equipment

All Officers, both uniform and non-uniform, must wear a BWC any time they are working in an official law enforcement capacity, to include special details, and shall adhere to the following procedures when utilizing the BWC. Officers utilizing BWC's who are not in uniform must be clearly identifiable as a law enforcement officer in order to record an interaction with a civilian, unless participating in an authorized undercover assignment. This may be accomplished by the officer identifying himself / herself while using the BWC recording, displaying a badge, or displaying department-issued identification.

1. Officers shall activate their BWC when it is safe to do so and inform the subject and other individuals present (as soon as practical) that their interaction is being recorded.
2. Officers shall activate their BWC under the below conditions.
 - a. Whenever an officer is interacting with a member of the public in a law enforcement capacity.
 - b. When it is reasonably likely that law enforcement action will be taken.
 - c. At the initiation of a call for service or other encounter that is investigative or law enforcement related in nature.
 - d. Officers responding in a back-up capacity shall ensure their BWC are activated in order to obtain additional perspectives of the event.
3. Specific situations where activation is required include, but are not limited to:
 - a. Arrests.
 - b. Traffic stops and assist motorist calls for service.
 - c. Pedestrian stops.
 - d. Pursuits by vehicle or on foot.
 - e. Execution of consent searches for a dwelling, person, or vehicle.
 - f. Interacting with persons behaving in an erratic manner.
 - g. All enforcement and investigative stops, including mere encounters and investigatory detentions.

- h. Any encounter with the public that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
4. Officers may deactivate their BWC under the below conditions.
 - a. At the request of a crime victim, sexual assault victim, or domestic violence victim if the officer believes the request will improve cooperation.
 - b. A BWC may be temporarily muted or deactivated for administrative, tactical, and management discussions. This includes discussions between officers regarding the proper course of action to be taken in an investigation. Officers should verbalize the reason for turning off or muting the camera prior to doing so when practical.
 - c. A BWC may be deactivated during non-law enforcement functions where the extended use of emergency lighting is required.
 - d. The BWC shall be deactivated and tagged appropriately at the conclusion of the interaction requiring the recording.
5. Restrictions-BWCs shall not be used in the following circumstances:
 - a. Personal communications with other police personnel.
 - b. During a strip or body cavity search.
 - c. In any court proceeding or person within a judicial facility or in an area adjacent to or immediately surrounding a judicial facility without the approval of the Court or presiding judicial officer or except as provided by the rules of Court in accordance with 18 Pa.C.S. § 5103.1.
 - d. On medical response calls or inside of medical facilities.
 - e. During encounters with undercover officers or confidential informants.
 - f. When on break or otherwise engaged in personal activities.
 - g. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
 - h. During community policing activities where no law enforcement action is anticipated.
 - i. Officers not in uniform unless they are clearly identifiable as a law enforcement officer or he or she identifies themselves as such.
 - j. Inside the Police Administration Building
6. Officers are prohibited from:

- a. Tampering with MVR/BWC equipment, deleting any recordings, intentionally obscuring the view of the cameras or muffling the microphone.
 - b. Using an external device to copy any event that is recorded or displayed by the MVR / BWC equipment.
 - c. Editing, deleting, copying, sharing or otherwise distributing in any manner a MVR / BWC recording without prior written approval of the Chief of Police.
7. Should an officer inadvertently capture a privileged or personal communication, the officer will notify the Chief of Police in writing to request deletion of the privileged communication.
 8. Officers shall note in a supplemental report when and why a recording was not made during the situation or call for service requiring recording in accordance with this General Order.

VI. MVR and BWC Media Control and Management

- A. All MVR & BWC equipment shall be inspected at the beginning of an officer's shift to ensure all of the recording equipment is functioning properly.
- B. All MVR & BWC malfunctions or items requiring maintenance shall be documented and a repair request shall be forwarded to the MVR & BWC maintenance manager and the patrol lieutenant as soon as possible.
- C. The data on each MVR camera is automatically uploaded wirelessly from the unit to the server when the patrol vehicle is in the parking lot of the police station. In the event the vehicle is disabled and cannot be driven to the police station, the manufacturer can assist with obtaining the data.
- D. All BWC equipment shall be docked in the department assigned charge / dock / download station at the end of the officer's shift. The data on each BWC is automatically uploaded via an Ethernet connection from the unit to the server when the user returns the BWC to the docking station.
- E. BWC and MVR recordings are stored on secure servers with restricted access. The servers are secured in a locked area, and are password protected.
- F. Viewing MVR/BWC Recordings
 1. Officers are permitted to review their recordings for the purpose of report writing, furthering an investigation, and for court preparation.
 2. Civilians are not permitted to review any MVR or BWC recordings at the scene of an incident.

3. The department reserves the right to limit or restrict an officer from viewing MVR and BWC recordings under the following circumstances:
 - a. If an officer is suspected of wrongdoing or involved in the use or attempted use of deadly force, as defined in PA Title 18, §501.
 - b. If an Officer takes police action in which a person dies or sustains serious bodily injury as defined in PA Title 18, §2301.
 - c. The officer will be afforded the opportunity to view recordings pertaining to the event in the presence of a labor representative and/or legal counsel.

G. MVR/BWC Record Retention

1. The Patrol Supervisor shall ensure that all BWC recordings are securely downloaded at the end of each shift. Each recording shall contain information related to the date, BWC identifier, assigned officer, and be properly tagged by incident category.
2. Medium that contains information that may be of value for any criminal or civil proceedings shall be secured as any other type of evidence. The medium shall be:
 - a. Subject to the requirements of chain of custody. Accordingly, the medium will be labeled and secured in the evidence room in conformance with department policy and procedures.
 - b. Retained by this department and not released to any outside agency without a duplicate copy being made and returned to a secure status. No medium shall be released to the media or other similar entity without the approval of the Chief of Police, or his designee.
 - c. No medium will be released in a non-criminal matter unless commanded through a properly issued subpoena.
3. All recorded medium shall be maintained in a manner that allows for efficient identification and retrieval. Recordings not scheduled for court or other department uses shall be maintained for a period of ninety (90) days. Any recording needed past (90) days shall be recorded to a DVD by authorized personnel.
4. Any recording that has captured an accident involving a police vehicle, or any other incident that may result in civil action shall be recorded to DVD by authorized personnel, logged as evidence, and kept for a period of two (2) years.
5. No medium shall be altered or otherwise used in any manner that is not consistent with this policy.

VII. Supervisory Responsibilities

Supervisory personnel shall ensure that:

- A. All officers follow established procedures for the use and maintenance of MVR equipment, audio microphones, body-worn cameras, handling of video/audio recordings and the completion of the required documentation.
- B. A periodic random review of the videos and recording of officers under their command occurs for performance assessment evaluation of the utilization of the equipment and any relevant material for training purposes.
- C. Supervisors and Field Training Officers shall review BWC recordings involving probationary officers for the sole purpose of evaluating performance of the officer during their probationary period.
- D. Supervisors shall submit the results of their reviews on the monthly report, with specificity, to include what was reviewed, dates when interaction with their personnel occurred, and feedback that was provided. The Lieutenant will also conduct periodic reviews and provide feedback to Sergeants and Chief of Police.
- E. Supervisors are required to review the following recordings:
 1. Any injury to an officer
 2. Any injury to an actor
 3. Any use of force incident
 4. Any vehicle or foot pursuit and subsequent actions taken
 5. Any citizen complaint
- F. The need for repairs and replacement of damaged or inoperable equipment is reported in a timely manner and appropriate corrective action is taken.
- G. When notified that a permanent recording of an incident is required in adherence to this order, the supervisor will ensure that an authorized individual records the incident to DVD and logs the DVD as evidence.
- H. That any violations of this order, misuse of equipment or defects of the equipment shall be reported up the chain of command, and subjects the violator to the agency's Code of Discipline.
- I. Command staff reserves the right to review video footage for administrative investigations.
- J. Administrative staff will conduct periodic review of this policy to ensure effective application of the BWC program.

XIII. Dissemination of MVR/BWC Records

- A. Any dissemination of a recording will be authorized by statute and will only be released with the approval of the Chief of Police, or his designee, on a case by case basis. Any necessary redactions will be reviewed & completed by the Chief or the Chief's designee. Determinations will be made in accordance with Chapter 67.
 - 1. Copies of recorded events for a misdemeanor, felony, or criminal contempt citation for violation of a Protection from Abuse Order will be forwarded to the Montgomery County District Attorney's Office upon filing of charges.
 - 2. Copies of recorded events concerning any criminal case will not be disseminated without the express consent of the Springfield Township Chief of Police or a designee.
 - 3. Copies of any other recorded event will only be released to other criminal justice agencies for court, investigative, or training purposes in accordance with Criminal History Records Information Act (CHRIA), 18 Pa. C.S.A, sec. 9104 et seq. 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 designee.
- B. Any request for copies of recordings under the Right-To-Know statute or through a civil subpoena will be forwarded to the Chief of Police or his designee.
- C. Copies of MVR/BWC recorded events will be made by the Patrol / Operations Supervisor. All MVR/BWC recordings subject to request will be reviewed by the Chief's designee & redacted, as necessary, with the approval of the Chief of Police.
- D. Public Requests for Recordings:
 - 1. Requests for recordings are not subject to the Right-to-Know Law, pursuant to Act 22, Exceptions for public records, paragraph b16, A record of an agency relating to or resulting in a criminal investigation, including, but not limited to: investigative materials, victim information, disclosure of information would deprive a person of a right to a fair trial or an impartial adjudication, etc.
 - 2. Under Act 22, a request for an audio or video recording in the possession of a law enforcement agency must be made within 60 days of the date the recording was made. A written request must be submitted through the Open Records Request process for the law enforcement agency that possesses the record. The request must include:
 - a. The date, time and location of the event being recorded;
 - b. A statement describing the requester's relationship to the event recorded; and
 - c. If the recorded incident took place inside a residence, the request must also identify every person present at the time of the recording unless unknown and not reasonably ascertainable.

3. Under Act 22, requests are to be made to the Open Records Officer or his/her designee.
 - a. The Township's Open Records Officer or his designee will respond to the request within 30 days of the receipt of the request.
 - b. 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 or his designee intends to disclose this information, he must first get the written agreement of the Montgomery County District Attorney's Office.
 - c. 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 (Section 67).

IX. Use of Facial Recognition Software or Programs

- A. In response to actual or suspected criminal activity, police personnel are authorized to employ facial recognition software / programs for investigating purposes including but not limited to identifying suspects, individuals with outstanding warrants, crime victims and / or missing persons.
- B. Police personnel utilizing facial recognition software or programs to analyze data collected via MVR shall have completed prior training in the proper use of said technology.
- C. Any additional data generated by facial recognition software / programs shall be managed in the same manner as the original MVR data.

