



Central Bucks Regional Police Department

Directive 2.9.2

Title	Body Worn Cameras	Effective Date	7/15/2016
Section	2.9.2	Review Date	8/31/2020
Accreditation Standard		Significance Level	Critical
Related Documents	1.3.6, 1.6.2, 2.4.2, 5.1.2, 5.3.1, 5.3.2	Distribution	Sworn Personnel
Related Forms			
Amends and Supersedes			

I. PURPOSE.

To establish guidelines for the proper and lawful operation of the body worn audio/video camera systems worn by officers of the Central Bucks Regional Police Department, and to define the media storage and retention system for the events recorded by the devices.

II. POLICY.

Body-Worn Cameras (hereinafter BWC) will be employed by Central Bucks Regional Police Department officer's in a manner consistent with the provisions outlined in this written directive, and all current applicable Pennsylvania and federal laws. These cameras are viewed as a valuable asset intended to assist officers in the prosecution of certain offenders by augmenting an officer's testimony with a video/audio record of the incident. BWC's are an effective tool that can reduce violent confrontations and complaints against police.

The BWC will enable department administrators to conduct periodic reviews of officer-citizen contacts for quality control purposes and aid in the investigation of citizen complaints.

III. PROCEDURE.

A. Administration.

1. The department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
 - a. BWC's allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of reports and testimony in court.
 - b. Audio and video recordings enhance the department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
 - c. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
 - d. Minor infractions of department policies or professional standards discovered during an administrative review, will be used as a training opportunity or informal counseling. Secondary or repeated infractions may be cause for disciplinary action.
2. Prior to using BWC, all officers shall receive department-approved training on its proper operation and care and the Department's policy with respect to the use of the BWC. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.
3. BWC and equipment should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officer's shall inspect and test body-worn cameras prior to each shift to verify proper functioning, and shall notify their Supervisor of any problems.
4. All communication recorded by the BWC shall be done by a uniformed officer only.

5. An officer shall be in close proximity to an individual's oral communication at the time the officer intercepts and records an oral communication.
6. An officer shall inform, as soon as reasonably practicable, the individuals identifiably present that he is or has intercepted and recorded the oral communication.
7. The BWC shall not be deactivated until the enforcement action is completed.
8. Officer's shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC images and information without the prior written approval of the Chief of Police or his/her designee.

IV. EQUIPMENT.

- A. The department employs WatchGuard Vista audio/video recording units. This will be the only BWC authorized for use by officers of this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Central Bucks Regional Police Department.
 1. References to BWC shall include the WatchGuard Vista wireless device, which houses a video camera, audio/video recording hardware, and a port for charging the device and downloading events.
- B. All officer's, including supervisors, who are assigned BWC must complete the agency provided training program to ensure proper use and operations of the unit and the companion software program. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
- C. The BWC units will be worn center of mass on the Officer's body. The BWC will be affixed to the buttoned placket on the officer's uniform shirt in chest/sternum area, unless utilizing the metal clip.
 1. Officer's authorized to wear exterior vest covers will clip the BWC to the breast pocket pen slot of the garment utilizing the metal clip.
 2. Officer's wearing a jacket or other outer garment will not cover or obstruct the view of their BWC. Officers are ONLY authorized to cover the unit with an outer garment if inclement weather conditions involving precipitation make it likely

that exposure to the elements will damage the unit. If this action is necessary, the BWC will still remain activated to capture audio of the incident.

3. In order to reduce audio and/or video interference with the unit, the officer's portable radio microphone will not be affixed to the buttoned placket or breast pockets of the officer's uniform shirt or positions near the BWC on any exterior garment.
- D. Officer's assigned to the patrol division, or other uniformed duty, will wear the device as an authorized component of the uniform of the day.
 - E. Each BWC has a unique serial number and has been assigned an internal tracking identification number. Officer's assigned BWC will use the equipment assigned to them unless otherwise authorized by supervisory personnel.
 - F. BWC equipment is the responsibility of individual officer's and will be used with reasonable care to ensure proper functioning. Equipment malfunctions will be immediately brought to the attention of the officer's supervisor so that a replacement unit may be procured.

V. OPERATION.

Note: Patrol. During the weekly vehicle inspection, a supervisor and the officer's will perform a 360 degree walk around inspection of their assigned police vehicle. Officer's will make a BWC recording of the inspection and verbally note any fresh damage discovered and/or missing equipment and report same to their immediate supervisor, as well as documenting the damage/missing items on the weekly report.

- A. The use of BWC allows for a documented, first hand, and objective account of an incident from beginning to end. Therefore, officers will activate their BWC immediately upon acknowledging dispatch to a call for service or in the performance of a proactive event as soon as safely possible. This will allow the maximum amount of information regarding the incident to be captured, such as events that transpire while in route to a call for service and violations committed by a motorist during motor vehicle stop.
- B. The BWC will be utilized by uniformed officers to record all contacts with citizens in the performance of official duties, including calls for service, motor vehicle stops, field interviews, investigative detentions, checkpoints and for any other action/incident where it is necessary or prudent to create a recording. On initial contact, the officer will advise the citizen that they are being recorded on their BWC as soon as practical.

- C. The BWC's will remain activated for the entire duration of an event, including any subsequent transport of a subject (regardless of custody status) and during any suspect processing in booking at police headquarters.
- D. In order to prevent the recording of events unrelated to the call for service, officer's at police headquarters are authorized to deactivate their BWC when not in the presence of the complainant/defendant. Examples include the typing of complaints or other follow-up activities conducted in the squad room. The officer will narrate on the BWC the reason for the deactivation and immediately re-activate the unit each time contact with the complainant/defendant is reestablished.
- E. Any Officer providing assistance or back up to an officer on a call for service or citizen contact is required to have their BWC activated until the assignment is cleared or their assistance is no longer needed.
- F. Officer's on special details will deploy with their BWC during their assigned traffic and/or security details. Officers will activate the BWC in accordance with the procedures set forth in this policy if they are required to undertake official police actions, or during officer-citizen contacts.
- G. When BWC is activated, officers are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer.
- H. If an officer fails to activate the BWC when required, fails to record the entire event contact, or interrupts the recording, the officer will as soon as practicable, notify their supervisor. The supervisor will document the non-compliance in an administration body cam incident, UCR 9013, detailing the reason why the event was not captured, etc. An administrative incident is not required if the interruption in the recording was in accordance with the procedures set forth in this policy.
- J. Officer's will note in the incident and case reports when BWC recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
- K. Civilians will not be allowed to review the recordings at the scene of contact. Officer complaints will be handled in accordance with the department policies. All other requests to view and/or obtain footage by the public will be forwarded to the Chief of Police, through the chain of command, and will be handled in accordance with the PA Right-to-Know procedures.
- L. BWC are useful for documenting evidence, officer training, preventing and resolving complaints brought by members of the public, and strengthening police transparency,

performance, and accountability. CBRPD recognizes that video images and sound cannot always show the full story nor do video images and sound capture an entire scene. The use of BWC does not lessen the need to provide thorough written documentation of an incident.

1. Officers of the Central Bucks Regional Police Department:
 - a. Shall use the issued BWC during interviews with crime victims and witnesses and informal, non-law enforcement interactions with members of the community. Officers shall have discretion on whether to use the BWC when interviewing crime victims in situations involving rape, abuse, or other sensitive matters.
 - b. Shall use the issued BWC when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits.
 - c. Shall not record using the issued BWC when doing so would be unsafe, impossible, or impractical, but must articulate in writing their reasons for not activating the camera or say on camera why they are turning the camera off.
 - d. Shall not intercept and record an oral communication between individuals if at the time of the interception the oral communication occurs inside the residence of any of the individuals, unless:
 - i. The officer is in the residence pursuant to a valid search or arrest warrant
 - ii. Upon entering the residence, the officer obtains permission to record
 - e. Shall not intercept and record an oral communication between individuals if at the time of the interception the oral communication occurs in any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room, unless:
 - i. The officer is in that location pursuant to a valid search or arrest warrant
 - ii. Upon entering the location, the officer obtains permission to record
 - f. Officer's shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney).

VI. DATA ACCESS AND RELEASE.

- A. Data will not be released to another criminal justice agency for trial or other reasons without having a duplicate copy made and returned to safe storage.
- B. Data will not be released to any outside non-criminal justice entity, regardless of the content, without explicit authorization from the Chief of Police or his/her designee.
- C. Digital copies for purposes not associated with the investigation or prosecution of a violation of law will only be made and or created subject to one of the following:
 - 1. Permission from the Chief of Police or his/her designee; or
 - 2. Required by court order
- D. Concerning an individual who is a participant on the recording and intends to pursue, or is pursuing, a civil action, data shall be disclosed pursuant to an order of the court or as required by the state/federal rules of civil procedure or the state/federal rules of evidence.
- E. For training purposes, data shall be disclosed consistent with written consent obtained from the officer and all participants.
- F. Nothing in this section shall be construed to restrict or compel the disclosure of the contents of evidence obtained from any BWC that is authorized or required by 18 Pa.C.S. §5717 and §5721.1.

VII. CATEGORIES AND TAGGING.

- A. Officers are to categorize and tag captured media prior to uploading the footage. Access to footage will only be done using department-owned computer equipment. Once captured media is uploaded to evidence, officers will:
 - 1. Place all captured media into the appropriate category. Multiple categories are possible, so label an event with as many categories on the list as applicable.
 - 2. If applicable, place the Alert incident number to corresponding captured media.
 - 3. If the event does not require an incident number (i.e. traffic citations) or not applicable, place the BCR PD# found on the call CAD or printout. If neither of these are available, use the address of where the video was taken or of the address of the call.

4. Add notes or mark captured media, as needed, to assist investigative units with use of the captured media.

VIII. RESTRICTIONS.

- A. BWC will be used only in conjunction with official law enforcement duties. The BWC will not be used to record:
 1. Communications with other police personnel without the permission of the Chief of Police or his designee;
 2. Encounters with undercover officers or confidential informants;
 3. When on break or otherwise engaged in personal activities; or
 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, administrative meetings, hospital patient rooms, and residences. This also applies to any privileged communications such as; spouse, attorney, peer counselor, clergy or labor representative.
 5. All BWC should be presumptively turned off when an officer enters a hospital or a school, until such time as that officer begins a specific investigation, or targets a specific subject. At that time, the officer should announce that he or she is turning on the BWC for the purpose of audio and video recording from that point forward.

Note: Should an Officer inadvertently capture a privileged or personal communication, the Officer will notify the Chief of Police, in writing, to request deletion/redaction of the privileged communication.

5. Officer's will be permitted to return the BWC to buffering mode from event mode after a citizen has been notified that a BWC is recording in the following situations:
 - a. Entering a private home or building where consent of the owner or person with authority to consent to the entry is required and that person expressly declines to permit video and/or audio recording inside the home or building. This will not apply to entry where consent is not required or no longer required once inside the home/building entry related to a search warrant, arrest warrant, and/or emergency or exigent circumstances.

- i. The person with authority to consent, may at any time rescind the permission to record.
- b. When interacting with a victim or witness who refuses to cooperate if the BWC is in event mode, if practicable and reasonable, record the victim or witness requesting the BWC be turned off.

IX. INSPECTION AND MAINTENANCE.

- A. All recordings are maintained within the BWC system and are authenticated by an internal audit program with the BWC system.
- B. The BWC system is administered by the patrol captain or the chief's designee. Only the administrative users (Captains) of the system shall have access to delete video/audio segments. The Administrative Users shall immediately notify the Chief of Police if the system or footage is compromised or accessed without proper authorization.
- C. Officer's will inform their supervisor of any recordings that may be of value for training purposes.
- D. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file during the investigation. The involved officer will be afforded the opportunity to view their video, and videos pertaining to the event, in the presence of a labor representative and/or legal counsel.
- E. Contents downloaded from BWC shall be stored on a secure system. All images and sounds recorded by the BWC are the exclusive property of the Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
 1. Copies of an event captured on BWC's will not be released to anyone without the express permission of the Chief of Police or his/her designee.

X. SUPERVISORY RESPONSIBILITY.

- A. Supervisory personnel will ensure that officer's under their command equipped with BWC devices utilize them in accordance with policy and procedures defined therein.
- B. A supervisor will immediately take custody of the BWC of any Officer(s) that is involved in a serious incident to safeguard any footage of the event captured on the unit(s). Such incidents include the use of deadly force, the use of force resulting in

serious injury or death, serious motor vehicle crashes involving an officer, an event resulting in the incapacitation of the officer, or any other event in which the supervisor feels that the immediate custody of the unit is necessary to protect any footage.

1. The supervisor that takes custody of the unit will forward it to the captain of professional standards and issue the officer a spare unit.
 2. The captain of professional standards, or in his/her absence, another officer of the command staff will download and tag any footage captured of the event.
 3. The unit will only be placed back in service with approval from the captain of professional standards or his/her designee.
- C. Supervisors are permitted to review the BWC footage of Officer's under their command for proper policy, procedural practices and tagging of evidentiary footage. Supervisors will, at least once per shift, review one event from every officer's BWC footage under their supervision. Supervisors can have an officer bring up the desired video under the officer's login, or have the officer email the footage to the supervisor for viewing through the BWC system.

In addition to the above, it is within a supervisor's discretion, to view on demand, any video of their officer's that is of interest to that supervisor.

- D. The patrol captain, or in his absence, another officer of the command staff, appointed by the Chief of Police, is responsible for reviewing BWC events in an effort to ensure the equipment is operating properly; to assess officer's performance and adherence to written directives and established professional standards, and to identify other training needs.
1. In order to maintain fairness in the selection of videos reviewed, the reviewer will randomly select individual videos to observe for each review.
 2. Upon completion of the review, the reviewer shall prepare an administration body cam incident, UCR 9013 documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.
 3. All completed administration body cam incidents shall be retained in Alert and a copy will be forwarded to the Chief of Police for review.
 4. Separate from the above mentioned review of randomly selected officer's, any other officer of the command staff may review specific BWC footage at any time,

if circumstances arise that indicates a breach of department policies, professional standards, misconduct, or the integrity of the department may be compromised.

5. Disciplinary actions will not be initiated against an officer based on a video event alone, without a complete and thorough internal investigation.

XI. DATA STORAGE AND RETENTION.

- A. BWC recordings shall only be downloaded to computers operated and maintained by the CBRPD.
- B. Before going off-duty, officers shall download all recordings to a designated secure server/computer. The designated agency system administrator shall be contacted by the officer to copy any data that is deemed to be of evidentiary value on a media storage device (i.e. CD-Rom, flash drive, etc.) and entered into evidence. Officers shall note in incident, arrest and related reports when video/audio recordings were made during the incident in question.
- C. The Chief of Police or their designee shall maintain all recordings of oral communications for a minimum of 31 days after the date of the interception.
- D. Evidentiary footage will be maintained until the investigation and any ensuing litigation is concluded (one year after statute of limitation). In serious felony cases resulting in the conviction and sentencing of a number of years or imposition of a death sentence, the footage should be retained indefinitely. Videos that should be automatically flagged for retention: (1) those involving use of force; (2) incidents leading to detention or arrest; (3) where either a formal or informal complaint has been registered; or (4) for training purposes.
- E. All recordings shall be recorded over or otherwise destroyed no later than 90 days after the date of the recording, unless:
 1. The recording results in the issuance of a citation. All recordings shall be recorded over or destroyed no later than 90 days after the conclusion of the proceedings related to the citation.
 2. The Chief of Police or Officer on the recording believes the contents of the recording may be necessary in a proceeding as evidence.

3. A criminal defendant who is a participant on the recording reasonably believes that the recording may be useful for its evidentiary value at some later time in a specific criminal proceeding and, no later than 31 days following the filing of criminal charges, provides notice to the Chief of Police indicating a desire that the recording be maintained while specifying the date, time, and location of the recording; the names of the parties involved; and, if known, the case docket number.
4. An individual who is a participant on the recording and intends to pursue a civil action or has already initiated a civil action and, no later than 31 days after the date of the recording, provides notice to the Chief of Police indicating a desire that the recording be maintained while specifying the date, time, and location of the recording; the names of the parties involved; and, if a civil action has been initiated, the case number and case docket number.
5. The Chief of Police has received notice that a civil action relating to the incident has been initiated or that such civil action is reasonably likely to be filed.
6. The Chief of Police intends to use the recording for training purposes.

BY ORDER OF THE CHIEF OF POLICE