

In-Car Video

418.1 PURPOSE AND SCOPE

The Waynesburg Police Department has equipped marked law enforcement vehicles with in-car video recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems (42 Pa.C.S. § 67A07).

418.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the In-Car Video system to transmit or store video or audio data in an active mode.

In-car camera system and In-Car Video system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

In-Car Video technician - Personnel certified or trained in the operational use and repair of In-Car Video systems, duplicating methods and storage and retrieval methods and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

418.2 POLICY

It is the policy of the Waynesburg Police Department to use In-Car Video recording technology to more effectively fulfill the mission of the Department, and to ensure these systems are used securely and efficiently.

A violation of this policy subjects the violator to discipline (see the Personnel Complaints Policy for additional guidance).

418.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip themselves to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Waynesburg Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers shall test the In-Car Video system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording the officer's name, serial number, badge or personal identification number (PIN), and the current date and time at the start and again

Waynesburg Police Department

Waynesburg Police Department Policy Manual

In-Car Video

at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service. All reports of malfunctioning equipment shall be documented and reported to the In-Car Video technician via the chain of command.

418.4 ACTIVATION OF THE IN-CAR VIDEO

The In-Car Video system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually.

418.4.1 REQUIRED ACTIVATION OF THE IN-CAR VIDEO

This policy is not intended to describe every possible situation in which the In-Car Video system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the In-Car Video. The In-Car Video system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. Driving while under the influence (DUI) investigations, including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Dispatch

Waynesburg Police Department

Waynesburg Police Department Policy Manual

In-Car Video

- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - 1. Domestic violence
 - 2. Disturbance of the peace
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the In-Car Video system is not required when exchanging information with other officers, during breaks or lunch periods, or when not in service or not actively on patrol.

418.4.2 CESSATION OF RECORDING

Once activated, the In-Car Video system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

418.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee.

418.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning In-Car Video systems should be placed into service.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the In-Car Video system media.
 - 2. The date the media was issued.
 - 3. The name of the department member or the vehicle to which the media was issued.
 - 4. The date the media was submitted for retention.
 - 5. The name of the department member submitting the media.
 - 6. Holds for evidence indication and tagging as required.

Waynesburg Police Department

Waynesburg Police Department Policy Manual

In-Car Video

- (c) The operation of In-Car Video systems by new members is assessed and reviewed no less than biweekly.

Supervisors shall review and document at least one randomly selected recording per quarter for each member under their direct supervision to:

- Check that the In-Car Video devices are properly maintained and functioning.
- Check that the In-Car Video devices are being used in accordance with policy.
- Identify recordings that may indicate additional training or guidance is warranted.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic accidents), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

418.5 REVIEW OF IN-CAR VIDEO RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the Department, In-Car Video technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) By officers for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of In-Car Video systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with the permission of the Chief of Police or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value

Waynesburg Police Department

Waynesburg Police Department Policy Manual

In-Car Video

- (k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection.
- (l) As may be directed by the Chief of Police or the authorized designee

Members desiring to view any previously uploaded or archived In-Car Video recording should submit a request in writing to the Chief of Police. Approved requests should be forwarded to the In-Car Video technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

418.5.1 FACIAL RECOGNITION SOFTWARE

The Chief of Police or designee shall establish procedures for the use of any facial recognition software or other programs, operated through the Pennsylvania Justice Network (JNET), in the review of in-car audio/video recordings (42 Pa.C.S. § 67A07).

Operators of JNET Facial Recognition System (JFRS) shall have JNET training.

418.6 DOCUMENTING IN-CAR VIDEO USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

418.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in accordance with the established records retention schedule.

418.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

418.7.2 IN-CAR VIDEO RECORDINGS AS EVIDENCE

Officers who reasonably believe that an In-Car Video recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Waynesburg Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

Waynesburg Police Department

Waynesburg Police Department Policy Manual

In-Car Video

418.8 SYSTEM OPERATIONAL STANDARDS

- (a) In-Car Video system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
 - 1. Recording devices should comply with equipment standards established by the Pennsylvania State Police (18 Pa.C.S. § 5706).
- (b) The In-Car Video system should be configured to minimally record for 30 seconds prior to an event.
- (c) The In-Car Video system may not be configured to record audio data occurring prior to activation.

418.9 IN-CAR VIDEO TECHNICIAN RESPONSIBILITIES

The In-Car Video technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the In-Car Video technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.
 - 1. Secure storage should comply with Pennsylvania State Police standards (18 Pa.C.S. § 5706).
- (g) Maintaining In-Car Video equipment in accordance with manufacturer specifications.
 - 1. Repairs to any In-Car Video equipment shall only be performed at the direction of the In-Car Video technician or the authorized designee.
 - 2. Maintenance and repairs shall be documented.

418.10 TRAINING

All members who are authorized to use the In-Car Video system shall successfully complete an approved course of instruction prior to its use (18 Pa.C.S. § 5704; 18 Pa.C.S. § 5724).