


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...accountability, integrity and respect."</i>		SUBJECT: "BODY WORN CAMERA AND MOBILE VIDEO/AUDIO RECORDING SYSTEMS"		ORDER NUMBER: 69-3	
		PLEAC STANDARD: NONE		PAGE 1 OF 6	
ISSUE DATE: 7/30/2014	EFFECTIVE DATE: 7/30/2014	ANNUAL REVIEW DATE: JULY	RESCINDS:	AMENDS: NONE	

1.0 POLICY

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

2.0 PURPOSE

- 2.1 The use of the Body Worn Cameras (BWC) will allow the Pittsburgh Bureau of Police (PBP) to accomplish many goals including, but not limited to, the following:
- 2.1.1 Allow members to more accurately document events, actions, conditions, and statements made during incidents.
 - 2.1.2 Enhance a member's ability to prepare reports and present court testimony.
 - 2.1.3 Improve the training capabilities of the PBP.
 - 2.1.4 Assist the PBP with investigations of alleged misconduct.
 - 2.1.5 Protect the PBP and its members from civil liability resulting from wrongful accusations of misconduct.
- 2.2 This order does not regulate the use and operation of mobile audio/video recording equipment that is permanently mounted inside of PBP owned vehicles. Refer to General Order 69-1 MAVR in relation to MVR mounted inside of vehicles. This policy also does not regulate the operation of covert audio/video devices, which are used under the guidance of the Allegheny County District Attorney's Office and in accordance with Pennsylvania Law.
- 2.3 At the time of the issuance of this order, the PBP has chosen the TASER Axon Flex System as its BWC system, and TASER Inc.'s Evidence.com as the storage facility for media obtained from the Axon Flex MVR. Officers who are issued the Axon Flex MVR will be trained on its use and on the use of the Evidence.com system. Supervisors will be trained on the Evidence.com system. If at any point in the future, the PBP decides to utilize any other BWC system, this policy will remain in effect, and the officers will be provided training on the new system.

3.0 DEFINITIONS

- 3.1 **Taser Axon Flex Body Worn Camera system**— all cameras, accessories, docking stations, etc. related to the Taser Axon Flex On-Officer MVR System.
- 3.2 **MVR Custodial Officers**—Members of the Pittsburgh Bureau of Police Mobile Crime Unit/Computer Crime Unit who are specifically trained in the maintenance and care of the MVR equipment, and who are trained to maintain and administer the off-site storage of the recordings.
- 3.3 **Agency Administrator**— Member of the PBP who will be identified in the EVIDENCE.COM system at the administrator level, with full access to user rights.
- 3.4 **End User**— Members of the PBP who have been issued or assigned a BWC, and who has been given individual account access rights to EVIDENCE.COM.

- 3.5 **Evidence Transfer Manager (ETM)** - A computer server with built-in docking stations, physically installed at PBP duty locations. The ETM simultaneously recharges the BWC equipment while digitally encrypting and uploading all data captured from the officer's point of view during his/her shift. The ETM then digitally transfers the encrypted data to EVIDENCE.COM.
- 3.6 **EVIDENCE.COM** – An online, cloud-based digital media storage facility that can be remotely accessed by End Users and Administrators. This virtual evidence warehouse stores digitally encrypted data in a highly secure environment that is only accessible to approved personnel based upon their security clearance.
- 3.7 **Media or Data** – This includes photographs, audio and video recordings captured by the BWC. This evidence is then encrypted and stored digitally according to the PBP Policy.

4.0 PRE-OPERATIONAL PROCEDURES

- 4.1 Members shall not use the BWC equipment until they have received the proper training.
- 4.1.1 The Training Academy will maintain a record of all trained personnel.
- 4.1.2 The Training Academy shall be responsible for providing training and remedial training for the BWC equipment and related policies.
- 4.2 Operational problems with or damage to the BWC equipment shall be immediately reported to the member's supervisor.
- 4.2.1 The member must also immediately send an e-mail message to Innovation & Performance (I&P) Help Desk explaining the problem with the BWC equipment. The message must be copied to the Commander of Support Services and the member's supervisor.
- 4.2.2 The member must note any BWC operational problems or damage on their running sheet.

5.0 TASER AXON FLEX ON-OFFICER MVR RECORDING OPERATIONS

- 5.1 Any officer who has been issued MVR equipment and trained on its use will be required to wear and use that equipment as a part of this policy. The MVR equipment will be worn when on duty and when working secondary employment/special events.
- 5.2 Utilization: When reasonable and safe to do so, members operating the BWC equipment will ensure the following types of incidents are recorded:
- 5.1.1 Traffic and criminal enforcement stops.
- 5.1.2 In-progress Vehicle and Crimes Code violations.
- 5.1.3 Police vehicle pursuits.
- 5.1.4 Fatal crash or major crime scenes, as necessary, to document the scene.
- 5.1.5 DUI Stops / Standardized Field Sobriety Tests
- 5.1.5 Any other incident the member deems appropriate while acting in the performance of his/her official duty.
- 5.1.6 When it is safe to do so, officers should also record the following:
- 5.1.6.1 Pat downs
- 5.1.6.2 Obtaining consent to search
- 5.1.6.3 Search incident to arrest

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

- 5.2.1 Members shall not use BWC equipment unless acting in the performance of their official duties, whether on-duty or working authorized secondary employment details.
- 5.2.2 Members shall only use Bureau issued BWC equipment, which has been approved for use in accordance with the Pennsylvania Bulletin.
- 5.2.3 Members shall ensure that they are clearly identifiable as a law enforcement officer. This requirement is satisfied if the member is in uniform and operating a marked patrol vehicle, or by other means approved under General Order 21-1 "Personal Appearance of Uniformed Personnel" and General Order 21-2 "Personal Appearance of Non-Uniformed Personnel," and as governed by Pennsylvania legal precedent.
- 5.2.4 Only oral communications occurring in close proximity to the member may be recorded. This legal requirement is satisfied by the current range settings of the wireless microphone.
- 5.2.5 Member shall inform all individuals identifiably present as soon as reasonably practical, that their oral/video communications will be or have been intercepted and recorded.
- 5.2.6 BWC equipment shall not be used to record oral communications inside the residence of any individual unless the member is in fresh pursuit of the individual and deactivation of the MVR equipment would create a risk to officer safety.
- 5.2.7 Audio or video recording devices shall not be used in department locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.
- 5.3 Additional Requirements: Members shall abide by the following additional requirements governing the use of BWC equipment
- 5.3.1 When the recording function has been activated to record an incident, it shall not be deactivated until the incident has been completed. Members are encouraged to narrate the video recording during a recorded incident, which will assist in establishing probable cause for enforcement action and assist in report writing.
- 5.3.2 Members shall not erase or alter BWC recordings, except for approved annotation in accordance with the training and capabilities of the BWC system (example – flagging a location in Evidence.com for use in court at a later date).
- 5.3.4 Upon completion of an assigned shift, member shall ensure that the BWC's battery is recharged. Each member will ensure that the assigned BWC equipment is connected to an Evidence Transfer Manager docking station, provided at each duty location, at regular intervals.
- 5.3.5 If the BWC equipment is damaged, it will be sent to an MVR Custodial Officer. The MVR Custodial Officer will ensure that the BWC equipment is repaired or replaced as necessary.
- 5.3.6 Lost, stolen, or damaged BWC equipment shall be reported on a Lost/Stolen/Damaged Uniform or Equipment Claim, PBP Form 81.1.
- 6.0 DUPLICATION/RETENTION OF TASER AXON FLEX-ON OFFICER MOBILE VIDEO RECORDINGS**
- 6.1 Any and all data and recordings collected by the BWC equipment will be considered investigative materials. The recordings produced on the BWC equipment are property of the Pittsburgh Bureau of Police, and will be subject to PBP policies regarding the viewing, release, retention and destruction of such evidence.
- 6.2 Any and all data and recordings created by the BWC equipment are the exclusive property of the PBP. Members will not duplicate, copy, or otherwise possess any such data or recordings for any personal reason.

- 6.3 Members shall not allow non-sworn personnel to view the BWC recordings without permission from his/her immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the digital evidence, or who are previously authorized to interact with PBP evidence (example – OMI) are exempted from this restriction.
- 6.4 Members will ensure that all care is taken to prevent unauthorized persons from viewing the digital recordings. Any unauthorized use of the recordings will subject the member to disciplinary action. This includes, but is not limited to, the uploading or converting of the digital evidence for posting to any type of social media without the express permission of the member's supervisor.
- 6.5 Mandatory Retention: The following types of incidents recorded on BWC equipment shall be retained and processed as evidence by the MVR Custodial Officer in accordance with this regulation as soon as practical, using the capabilities of the Evidence.com system.
- 6.5.1 Incidents which may result in the filing of misdemeanor or felony charges.
- 6.5.2 Incidents which are likely to become the subject of civil litigation against the PBP or its personnel, including, but not limited to, patrol vehicle crashes, pursuits, critical incidents, incidents involving use of force, and incidents involving verbal complaint(s) against the PBP or its personnel.
- 6.6 Requests for Retention: Any member who believes that the retention of a recording not specifically required by this regulation is advisable (e.g., for use in a summary proceeding involving a serious traffic violation or training), shall notify the MVR Custodial Officer as soon as possible. MVR Custodial Officers shall evaluate each request in accordance with this regulation. Members are advised, per this regulation, that all recordings collected by the BWC equipment which is not regulated by a regular retention schedule will be purged no later than 90 days from the date of the last recording.
- 6.6.1 All requests for duplication/retention are to be requested on PBP Form #69.10, "Mobile Video/Audio Recording / Axon Flex Request Form" found in the Police Officer's Toolkit on the I drive. The completed form must be sent to the MVR Custodial Officer.
- 6.6.2 When properly requested and approved, the MVR Custodial Officer will duplicate the recording of the incident from the Evidence.com system and ensure its delivery to the requesting officer in a timely manner. PBP Form #69.10 will specify the reason that the recording is requested (example – court), and the date that the recording is needed.

7.0 ZONE COMMANDER DUTIES AND RESPONSIBILITIES

- 7.1 Zone Commanders shall ensure that a sufficient number of BWC recordings are reviewed each month to ensure that members under their command are following PBP policies and procedures.
- 7.2 Zone Commanders must document such reviews on PBP Form #69.20, "Commander's Monthly Mobile Video/Audio Recording / Axon Flex Review Report", found in the Supervisor's Toolkit on the I drive. This form is to be submitted by the 15th of each month with the other monthly reports.

8.0 ZONE LIEUTENANT AND SERGEANT DUTIES AND RESPONSIBILITIES

- 8.1 Zone lieutenants and sergeants shall have access to view all BWC recordings from their respective zone.
- 8.2 Each sergeant must review at least five (5) BWC recordings per month from their respective shift based on the group they review for PARS/OMS. They must document such review on their daily activity sheet and highlight with a highlighting marker.

8.3 If zone sergeants operate a BWC, zone lieutenants must review at least five (5) MVR recordings per month from their respective shift sergeants. They must document such review on their daily activity sheet and highlight with a highlighting marker.

9.0 MVR CUSTODIAL OFFICER RESPONSIBILITIES

9.1 MVR Custodial Officers shall be responsible for the retention, duplication and purging of MVR recordings. MVR Custodial Officers shall also ensure recordings of incidents are maintained in accordance with this policy and General Order #36-1, "Evidence Procedures".

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

9.2.1 Recordings requested to be preserved by a member on the recording, a supervisor, or the Office of Municipal Investigations (OMI), where the recording may be necessary for use in any criminal or forfeiture proceeding.

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

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

9.2.4 Recordings requested to be preserved by any individual who is a participant on the recording for use in any criminal proceeding. Such requests must be in writing to the Chief of Police, and should contain the date, time, and location of the recording and the names of the parties involved.

9.2.5 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding against the PBP or its personnel. Such requests must be in writing, and should contain the date, time, location of the recording, and the names of the parties involved. Notice of the request shall be immediately provided to the City Law Department and the recordings shall be retained for a minimum of two years from the date of the incident and shall not be destroyed without the permission of the City Law Department.

9.2.6 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding that is not against the PBP or its personnel. Such requests must be in writing to the City of Pittsburgh Law Department, and should contain the date, time, location of the recording, and the names of the parties involved. The recordings shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under PBP policies, whichever comes first.

9.2.7 Recordings that are the subject of a subpoena, court order, or request for pretrial discovery or inspection. Copies of the recording shall be furnished to the requester in accordance with existing PBP policies.

9.2.7.1 In criminal cases, notice shall be provided to the prosecuting attorney.

9.2.7.2 In civil cases against the PBP or its personnel, notice shall be immediately provided to the City Law Department. The recordings shall be retained for a minimum of two years from the date of the incident and may not be destroyed without the permission of the City Law Department.

9.2.7.3 In civil cases not against the PBP or its personnel, the recordings shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under PBP policies, whichever comes first.

- 9.2.8 MVR Custodial Officers shall ensure that all recordings on the Evidence.com system are purged 90 days from the date of the last recorded incident, after all properly requested and approved duplications have been made, unless regulated by a regular retention schedule. A request for retention of a recording that has not been preserved after purging of the MVR media cannot be processed.

10.0 USE OF MEDIA COLLECTED BY THE BODY WORN CAMERA

- 10.1 Video and audio captured via the BWC will be used for official purposes only.
- 10.2 Each event must be categorized, according to the procedures established within Evidence.com, according to event type so that proper retention periods will be applied.
- 10.3 The use of the BWC shall be recorded in the appropriate section of PBP reports, and in the remarks section of citations.
- 10.4 Officers may use media captured via the BWC to assist with investigations and the completion of required reports. Officers may also use the media captured by the BWC to assist investigators and supervisors in evaluating on-going situations.
- 10.5 Using the capabilities of Evidence.com, officers may add markers and/or create clips in order to assist investigators and/or prosecutors.
- 10.6 Officers may use media captured on the BWC for training purposes, with proper authorization from the investigative unit assigned the case. Additionally, Field Training Officers may use media captured via the BWC to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).

11.0 DELETION OF UNINTENTIONAL RECORDINGS

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

Approved By:

Regina McDonald
Acting Chief of Police

Date: