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**SUBJECT: BODY-WORN CAMERAS
PLEAC 2.4.2**

1. BACKGROUND

- A. The Pennsylvania Wiretapping and Electronic Surveillance Control Act (18 Pa.C.S. §5704(16)) has been amended to authorize the use of Body-Worn Cameras or body cameras by law enforcement officers under certain terms and conditions. These recording devices provide an unbiased audio and video recording of events that officers encounter. These recordings are useful to law enforcement for the following reasons:
1. To enhance officer safety.
 2. To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.
 3. To document statements and events during the course of an incident.
 4. To enhance law enforcement’s ability to document and review statements and actions for both reporting requirements and for courtroom preparation/presentation.
 5. To preserve visual and audio information for use in current and future investigations.
 6. To provide an impartial measurement for self-critique and field evaluations during officer training.
- B. Body-Worn Cameras (BWCs) are not a substitute for an officer’s reasonable beliefs and perceptions, and cannot account for an officer’s physiological responses during critical incidents, such as visual tunneling and auditory exclusion. BWC’s should not be viewed as the only measure of truth because they may show more or less than what the officer sees, hears, or observes. BWC’s however, have an important but limited use as one of many policing tools.

2. PURPOSE

- A. The primary purpose of this directive is to establish clear policy and procedures to document incidents involving police officers and the public, while also protecting the privacy rights of all parties being recorded.
- B. To effectively perform their duties, Officers must have a level of comfort in which minor disciplinary offenses recorded while performing their duties that would not otherwise become known but for wearing a Body-Worn Camera, will not adversely affect an officer's career.
 - 1. Thus, the secondary purpose of this directive is to provide officers with the knowledge that "minor disciplinary code violations" that are captured on any Body Worn Camera will not result in an official Internal Affairs investigation or 75-18s based solely upon their minor infraction. Rather, any such violations may result in Command level discipline, training, and/or counseling consistent with Directive 8.06, "Disciplinary Procedure".
 - a. For purposes of this directive, "minor disciplinary code violations" shall mean any Disciplinary Code violation where the 1st offense has a penalty range of a Reprimand to 5 days.

3. PENNSYLVANIA LAW

- A. Wiretapping and Electronic Surveillance Control Act (18 Pa. C.S. 5704(16))

It shall not be unlawful and no prior court order shall be required under this chapter for a law enforcement officer, acting in the performance of their official duties, to intercept and record an oral communication between individuals in accordance with the following:

 - 1. At the time of the interception, the oral communication does not occur inside the residence of any of the individuals, and
 - 2. At the time of the interception, the law enforcement officer:
 - a. Is in uniform or otherwise clearly identifiable as a law enforcement officer.
 - b. Is in close proximity to the individual's oral communication.
 - c. Is using an electronic, mechanical or other device which has been approved under 18 Pa.C.S. 5706(b) (4).

- d. Informs, as soon as reasonably practical, the individuals identifiably present that they have intercepted and recorded the oral communication.
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4. POLICY

- A. Authorized Body-Worn Cameras will be activated prior to responding to all calls for service and during all law enforcement related encounters and activities involving the general public. This shall include, but is not limited to (PLEAC 2.4.2 a):
 1. When responding to crimes in progress and priority one (1) assignments.
 2. When initiating any vehicular or foot pursuit.
 3. When conducting any vehicle or pedestrian investigation.
 4. When initiating a sight arrest or citation.
 5. When taking a statement or information from a victim or witness.
 6. When handling a disturbance or crisis related incident.
 7. When handling any protest or demonstration.
 8. When confronted by any member of the general public that is or may become confrontational, antagonistic or hostile.
 9. When handling a situation or incident that the officer, through their training and experience, believes should be visually preserved.
 - *1 10. When conducting a suspect confrontation (i.e., show-up identification of a suspect by a victim or witness). A view of the suspect should be recorded during the confrontation, when reasonable. (PLEAC 2.9.1 E)
- B. With the following exceptions, once a Body-Worn Camera has been activated, it shall remain activated and recording until the event or incident has concluded and the officer has been placed back into service by Police Radio. Prior to turning off the camera the officer should state the specific reason why it is being turned off. However, officers shall deactivate a Body-Worn Camera prior to the conclusion of an incident or event under the following circumstances:
 1. Prior to entering the residence of any individual, unless prior consent is provided and recorded with the Body-Worn Camera,

2. When interacting with crime victim, witness, informant, who request not to be recorded, officers shall:
 - a. Balance the value of obtaining a recording with the reluctance of a victim, witness or informant to provide information while being recorded.
 - b. Officers should use discretion in making the decision.
3. When the recording would capture gruesome images, persons nude that are not involved in criminal activity or when private areas of the human body are exposed and there is no legitimate law enforcement need to capture the images.
4. When entering a religious institution, during services.
5. When entering a hospital room or private patient area in a hospital.

C. PROHIBITED RECORDING AND ACTIONS

1. Body-Worn Cameras shall not be used or activated to:
 - a. Record non-work related personal activities or conversation.
 - b. In places where a reasonable expectation of privacy exists (i.e., locker rooms, dressing rooms or restrooms).
 - c. Record conversations with confidential informants and undercover officers.
 - d. During any strip searches.
 - e. When discussing operational strategies or tactics.
 - f. Intentionally record conversations of fellow employees or supervisors during routine administrative activities not related to those incidents or events described in Section 4-A.
 - g. Record media captured on a BWC to another recording device i.e., cell phone.
2. Officers shall not lead a person to believe the BWC has been deactivated when in fact, the BWC is left active.

- D. Unless a specific incident or event is marked as evidence or tagged for further review, digital recordings captured by Body-Worn Cameras shall be retained for no less than thirty (30) days from the date of the incident or event. The retention of digital recordings marked as evidence shall be consistent with existing document retention periods for the appropriate investigative files.

5. DEFINITIONS

- A. Activate - Any process or action that causes a Body-Worn Camera to begin recording and storing both audio transmissions and visual images.
- B. Body-Worn Camera - This refers to any system that captures audio, video signals or a combination of both that is individually worn by officers.
- C. Body-Worn Camera Coordinator - Designated individual(s) who assigns, tracks and maintains Body-Worn Camera equipment, and acts as a liaison with the Digital Media Evidence unit to diagnose and troubleshoot any issues related to the use of the cameras or the DEMS.

NOTE: The Commanding Officer will designate supervisory personnel to perform the duties of the Digital Evidence Custodian and the Body-Worn Camera System Administrator. The PPD Office of Forensic Science and Philadelphia Office of Innovation and Technology will provide technical support as needed.

- D. Bookmarking/Tagging – Refers to a feature similar to the conventional bookmarks you place within the pages of a book that allows the investigator to indicate points of interest in a Body-Worn Camera video clip thereby, allowing future viewers to quickly locate the points of interest without the need to view the entire video.
- E. De-activate - Any process or action that causes a mobile recording device to stop recording and storing both audio transmissions and visual images.
- F. Digital Evidence Custodian – The individual or unit given the authority to receive, store, protect, review, redact, and disseminate all digital recording made or obtained by the Philadelphia Police Department.

NOTE: The duties and responsibilities of the Digital Evidence Custodian and the Body-Worn Camera System Administrator, identified below, shall be merged and staffed by designated supervisory personnel from each district that has officers utilizing BWCs.

- G. Digital Evidence Management System (DEMS) - A collection of hardware, software and/or firmware designed to provide for the security, storage, organization and/or distribution of digital evidence.

- H. DEMS Administrator- The person(s) responsible for managing and maintaining the efficient operation of the DEMS. The DEMS Administrator's responsibilities shall include, but not be limited to the following: creation/deletion of new users, roles, permissions, groups and other logical structures, creating metadata tags, configuring retention periods and purging files that have become irrelevant or ordered destroyed by a court of law.
 - I. Hardware - Physical parts of the Body-Worn Camera such as wires, batteries, lenses, button, etc.
 - J. 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.
 - K. Law Enforcement Officer – A member of the Pennsylvania State Police or an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Chapter 21, Subchapter D relating to municipal police officer education and training.
 - L. Oral Communication - Any oral communication/spoken words uttered by a person possessing an expectation that such communication is not subject to interception.
 - M. Recorded Media - Audio-video signals recorded or digitally stored on a storage device or portable media.
 - N. Smart Device – Any number of devices not generally considered a computer but still capable of processing and storing electronic data. Smart devices typically include cell phones, smart phones, PDA devices, GPS devices, and tablet computers.
 - O. Wiretap Act – The Pennsylvania Wiretapping and Electronic Surveillance Control Act (18 Pa.C.S. 5701, et seq.)
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6. GENERAL PROCEDURES

- A. Only those officers who have received training in the use of the departmentally issued Body-Worn Cameras and the content of this directive shall be authorized to use such equipment.
- B. Only officers in uniform or otherwise clearly identifiable as law enforcement officers are permitted to use a Body-Worn Camera.
- C. Only departmentally authorized Body-Worn Cameras will be used by officers while on duty.
- D. Officers shall not use other electronic devices or other means to intentionally interfere with the capability of the Body-Worn Camera system.

- E. Officers shall not erase, alter, modify, or tamper with any Body-Worn Camera, software, or hardware, recorded audio/video data or related metadata.
 - F. Body-Worn Cameras shall be worn center mass of the chest.
 - G. No personally or privately owned recording equipment, devices, cameras, or smart devices shall be used to record law enforcement related encounters or activities involving the general public while on duty.
 - H. If an incident or event that was required to be recorded pursuant to Section 4-A was not recorded for whatever reason, the officer(s) assigned a Body-Worn Camera shall:
 - 1. Notify their immediate supervisor, and
 - 2. Document this fact on the underlying incident 75-48, along with the reason(s) why the incident/event was not recorded.
 - 3. If the incident/event does not require a 75-48 or the officer assigned the Body-Worn Camera is not responsible for the incident 75-48, the officer assigned the Body-Worn Camera shall submit a separate 75-48. This 75-48 will list the underlying incident DC number and the reason why the incident/event was not recorded. This report will be coded “3413 - Informational Request.”
 - I. All data will be stored on a secured server location, cloud service or other secured service as determined by the department (PLEAC 2.4.2 c).
 - J. Officers, investigators and supervisors shall have access to recorded events for the legitimate law enforcement purposes identified in Section 1.
 - K. Officers, investigators and supervisors shall not personally make any copies of any recordings for their personal use.
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7. OPERATIONAL PROTOCOLS

- A. Inspection of Body-Worn Cameras shall be the responsibility of the officer who is issued the BWC equipment.
- B. Prior to beginning each shift, officers authorized to use Body-Worn Cameras shall perform an inspection to ensure that the Body-Worn Camera is performing in accordance with the manufacturer’s recommendations. If problems are encountered with any component of the system, the Body-Worn Camera will not be used.
 - 1. BWC Coordinators will check the system time on the district server to ensure that it falls within accepted parameters.

- C. Malfunctions, damage, loss or theft of Body-Worn Cameras shall be reported to the officers immediate supervisor and a 75-48 report shall be completed. The immediate supervisor shall notify the Body-Worn Camera Coordinator to arrange for replacement.
- D. The Body-Worn Cameras shall be activated when responding to all calls for service and during all law enforcement related encounters and activities involving the general public as identified in Section 4-A.
- E. Once on location of an incident or event, officers shall inform, as soon as reasonably practical, the individuals identifiably present that the officer has intercepted and recorded the oral communication (i.e., that they are being recorded) (PLEAC 2.4.2 b).
- F. Prior to entering the residence of any individual, unless prior consent is provided and recorded with the Body-Worn Camera, the Body-Worn Camera shall be deactivated.
 - 1. Once inside a residence, if practical, officers shall request permission to record. If permission is granted, the Body-Worn Camera shall be activated and the resident will again be asked for consent to record.
 - 2. If at any time a resident rescinds consent to record while in a residence, officers shall immediately or as soon as practical, deactivate the Body-Worn Camera.
 - 3. Officers shall state that they were requested to deactivate the camera.
- G. Officers shall record on the Patrol Log and any subsequent police report, such as the 75-48, 75-48A, or citation that the incident or event was recorded.
- H. Whenever an officer with a Body-Worn Camera obtains a video statement, the fact that a statement was recorded will be listed on the 75-48. The officer will:
 - 1. Report to their district and have the video of the statement uploaded into the DEMS.
 - 2. Review the video and then proceed to the Detective Division to complete processing the arrest. Inform the assigned detective that a recording of the arrest was made.
- I. If an arrest is made and it is recorded on a Body-Worn Camera, the officer shall:
 - 1. As soon as possible after any arrest, report to their district and have the video associated with the arrest uploaded into the DEMS.
 - 2. At this time, review the video and then proceed to the Detective Division to complete processing the arrest. Inform the assigned detective that a recording of the arrest was made.

NOTE: The assigned detective shall indicate in the PARS Report that Body-Worn Camera video evidence exists.

3. In those arrests that do not involve the Detective Divisions, (e.g., DUI arrests), after reviewing the video, officers will complete all necessary paperwork/data uploads at their district and advise the District Attorney's Office (DAO) Charging Unit that video evidence exists and has been made available to them.
4. Upon the filing of criminal charges and the submission of a PARS report, the assigned investigator shall ensure that all associated recorded media is made accessible to the District Attorney's Office Charging Unit via the DEMS.
5. The assigned detective shall indicate in the PARS report that Body-Worn Camera video evidence exists.

NOTE: The purpose and importance of these procedures is to ensure that the investigator/DAO has access to video evidence as soon as possible. So they can make the critical decision whether or not to charge an individual in a timely manner.

- J. If an officer is required to deactivate the Body-Worn Camera prior to the conclusion of any incident or event pursuant to Sections 4-B and/or C, the officer shall state, while the device is still activated, why the device is being deactivated.

NOTE: When the conditions that required the deactivation have ceased, if the event or incident is ongoing; the officer **SHALL REACTIVATE** the Body-Worn Camera.

- K. If any Body-Worn Camera video captures a police discharge, a seriously injured officer, a motor vehicle accident involving serious bodily injury, any death captured on video, or any use of force resulting in serious bodily injury or death, the officer's Body-Worn Camera shall be taken to the district by the first available supervisor and uploaded into the DEMS.
 1. The supervisor shall immediately notify the DEMS Administrator of the incident and request the video footage be restricted from being viewed by all departmental personnel except the Police Commissioner, Deputy Commissioners, the appropriate investigative unit and the District Attorney's office. However, the Police Commissioner or their designee may approve access to other individuals or entities if necessary or required by court order.
 2. Once the recorded media is uploaded, stored, and restricted from view, the Body-Worn Camera will be returned to the officer, as soon as possible.
- L. Locating Points of Interest.

1. Mandatory Bookmarking/Tagging - To efficiently identify and view the specific points of interest in a body camera recording, the following points of interest SHALL be bookmarked/tagged by the recording officer:
 - a. The beginning of any response to a priority one (1) assignment.
 - b. The beginning of any vehicular or foot pursuit.
 - c. The beginning of any vehicle or pedestrian investigation.
 - d. The beginning of any sight arrest or citation.
 - e. The beginning of any disturbance or crisis related incident.
 - f. The beginning of an officer's involvement at any protest or demonstration.
 - g. The beginning of any incident where an officer is confronted by any member of the general public that, in the officer's opinion, became confrontational, antagonistic or hostile.
 - h. The beginning when taking a statement or information from a victim or witness.
 2. Discretionary Bookmarking/Tagging – Officers MAY bookmark/tag any point of interest that they believe is useful, important, or may become important during any investigation or any exemplary acts involving themselves or other officer(s).
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8. BODY-WORN CAMERA UPLOADING PROCEDURE

- A. At the end of each tour, officers utilizing a Body-Worn Camera shall place their assigned Body-Worn Camera to the appropriate docking station. This will allow the data to be transferred from the Body-Worn Camera through the docking station to the District's BWC server. The data is considered impounded at this point and the Body-Worn Camera is cleared of existing data. The Body-Worn Camera should not be removed from the docking station/connection until the data has been fully uploaded.
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9. ACCESSING AND REVIEW OF BODY-WORN CAMERA DATA

- A. Evidentiary and Right to Know Access to Data.
 1. Retention periods for the purpose of the BWC Program shall be no less than thirty (30) days, unless video is required for evidentiary purposes or further review. If the video is required as evidence, the retention period shall be the same as that required for evidence of that particular crime (PLEAC 2.4.2 d).

2. Evidentiary copies of digital recordings from Body-Worn Cameras shall be managed and maintained by the Digital Evidence Custodian (PLEAC 2.4.2 c).
 - a. The Digital Evidence Custodian shall manage and maintain all media, deemed to be of evidentiary value, on the DEMS.
 - b. PPD investigators and pertinent members of the District Attorney's Office shall be provided access to view and download such video recordings as needed for official investigations and evidence production.
3. Temporary access rights may be given to the Philadelphia District Attorney's Office, the City of Philadelphia Law Department, or other prosecutorial agencies associated with any future prosecution or legal defense arising from an incident in which a Body-Worn Camera was utilized.
4. The release of any digital recordings obtained through Body-Worn Cameras through a public records request will be consistent with the Pennsylvania Right to Know Act (65 P.S. §37.304 et seq.). To ensure compliance, the Digital Evidence Custodian shall coordinate with the Department's Right-to-Know Officer on such requests.

B. Departmental Review/Access to Data.

1. Digital recordings from Body-Worn Cameras shall not be randomly reviewed for the sole purpose of finding disciplinary infractions. However, supervisors may, upon good cause and with prior authorization from the commanding officer, review the digital recordings of specific officers to monitor their behavior.
2. Department personnel shall review their own digital recordings for report writing, court preparations, and/or training purposes (See also, Section 6-G). The following statement will be recorded on all police reports prepared after reviewing their BWC video:

“The contents of this document are based on my observations of the incident and a review of the recordings captured by a mobile video recording system.”

3. An investigator, who is participating in an official department investigation, claims investigations, administrative inquiry, or criminal investigation, may review specific incidents contained on a digital recording from Body-Worn Cameras.
 - a. It is expected that the assigned detective review all available digital recordings as part of a complete and thorough investigation.
 - b. The Digital Evidence Custodial shall manage and maintain all images captured on a secure server for the applicable retention period.

- c. Personnel from Internal Affairs, while conducting any official investigation, shall be provided access to view and download such video recordings as needed for evidence.
 - 1) Consistent with Section 2-B, Internal Affairs has the duty and responsibility to review any Body-Worn Camera recordings associated with a potential investigation, Use of Force Report, or when prisoners are hospitalized in police custody. However, Internal Affairs shall not initiate any internal investigation based solely upon any minor disciplinary violation observed, as defined in Section 2-B-1-a.
 4. In no event shall any digital recording captured by a Body-Worn Camera be used for the purposes of officer or civilian ridicule or embarrassment. This includes submission of any portion of a digital recording from a Body-Worn Camera to a media organization, social media, or any other media platform designed to be viewed by the general public or other members of the department.
 5. If there is a legitimate law enforcement need, only the Police Commissioner or their designee shall have the authority to release any digital recordings from a Body-Worn Camera to the media and/or social media outlets.
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10. SUPERVISORY RESPONSIBILITIES

- A. Supervisors are responsible for ensuring that all personnel assigned to their unit have uploaded their recordings on a regular basis. Supervisors shall conduct periodic, random inspections of BWC equipment to confirm that it is in proper working order.
- B. Supervisors will review recordings of all officers involved in the following incidents:
 1. Injury to a member.
 2. Injury to a prisoner.
 3. Response to resistance.
 4. When any member of the Department intentionally or unintentionally discharges a firearm.
 5. Vehicle pursuits.
 6. Vehicle crashes involving patrol officers.
 7. Citizen complaints.
 8. Documented internal complaints.

9. As directed by the Police Commissioner or the Deputy Commissioner, Office of Professional Responsibility.
 - C. Supervisors may review footage for documenting exemplary performance, heroic actions and/or other praiseworthy service for appropriate recognition and commendation, unless under review by the Use of Force Review Board (UFRB).
 - D. Supervisors should not review recordings for the sole purpose of searching for violations of departmental policy not related to a specific complaint or incident; however, they may review video recordings for the purpose of:
 1. Training.
 2. Critique.
 3. Early intervention inquiries.
 4. Civil Claims.
 5. Administrative inquiries.
 6. Addressing behavioral or performance deficiencies.
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11. LOST, STOLEN OR DAMAGED BODY-WORN CAMERAS

- A. Personnel are responsible and financially accountable for lost, stolen, or damaged BWC equipment where circumstances indicate the officer was negligent.
- B. If a BWC is lost, stolen or damaged the officer will:
 1. Immediately notify the Patrol Supervisor.
 2. Notify the appropriate Operations Room Supervisor.
 3. Prepare a Complaint or Incident Report (75-48).
 4. Notify the Detective Division of occurrence for an investigation.
- C. The Mobile Communications Unit is the distribution point for Body-Worn Cameras (BWC) and the source for all repairs.
 1. When a BWC is in need of repair, a 75-48 will be prepared describing the damage.

- 2. The damaged BWC and a copy of the 75-48 will be transported to the Mobile Communications Unit for repair.
- C. When an investigation reveals negligence or carelessness, the officer will be subjected to disciplinary action and/or be required to pay for the lost, stolen, or damaged BWC equipment.

RELATED PROCEDURES: Directive 6.11, Social Media and Networking
 Directive 8.9, Police Department Counseling Form for Sworn Personnel

BY COMMAND OF THE POLICE COMMISSIONER

PLEAC – Conforms to the standards according to the Pennsylvania Law Enforcement Accreditation Commission.

<u>FOOTNOTE</u>	<u>GENERAL #</u>	<u>DATE SENT</u>	<u>REMARKS</u>
*1	6433	06-21-16	Addition