

BRIGHTON TOWNSHIP
DEPARTMENT OF POLICE

Policies and Procedures Manual

Amended as Follows

The following is hereby added to Supplemental Policies:

D. Body Worn Camera Policy

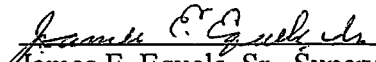
Adopted at the regular meeting of the
Board of Supervisors on December 14, 2020



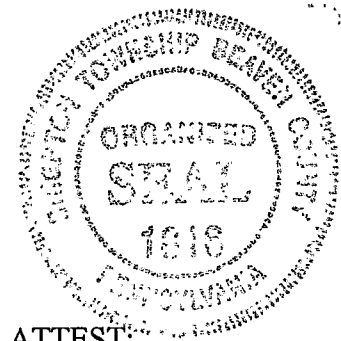
John Curtaccio, Chairman



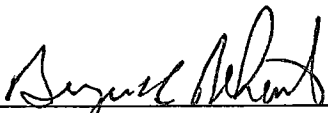
Mark Piccirilli, Vice Chairman



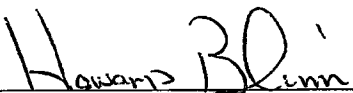
James E. Equels, Sr., Supervisor



ATTEST:



Bryan K. Dehart, Secretary



Howard Blinn, Chief of Police

POLICE DEPARTMENT
SUPPLEMENTAL POLICIES

Title: BODY WORN CAMERA POLICY

Revised:

D. BODY WORN CAMERA POLICY

A policy is hereby provided for Body Worn Camera equipment. All Brighton Township police officers must comply with the following policy:

1. Purpose
The purpose of this policy and procedures is for the utilization of the Brighton Township Police Department's Body Worn Camera (BWC) equipment, and the retention, duplication, storage and purging of recordings made by the Department BWC equipment.
2. Goals of the BWC Program
 - A. Enhance officer safety
 - B. Improved documentation of events, actions, conditions and statements made during incidents
 - C. Documentation of evidence and scenes
 - D. To aid in report preparation and court testimony
 - E. Improved training capabilities
 - F. Protection against false accusations of misconduct
 - G. Improve accountability
 - H. Preserving documentation of officer-citizen interactions
3. General Provisions
 - A. Officers shall NOT possess, carry or utilize ANY personally owned BWC equipment while on official duty.
 - B. Officers shall NOT utilize Department BWC equipment until they have received the appropriate training administered by the Police Department, including the latest case law as provided by the District Attorney's Office.
 - C. All data, images, audio, video and metadata captured, recorded or otherwise produced by the Department BWC equipment is the sole property of the Brighton Township Police Department.
4. Prohibited Use
 - A. Use within the Police Department or any Township office, unless a situation meriting activation occurs. This is to ensure that all Officers expectation of privacy is maintained as well as the protection of incidental data being captured by video or

- audio involving an investigation or violation of the J-Net policy or any criminal history dissemination.
- B. All Officer's meals, breaks or otherwise engaged in personal activities or conversations
 - C. Strip searches
 - D. Inside locker rooms or restrooms
 - E. Supervisory counseling and supervisor/officer conversations
 - F. Encounters with undercover officers or confidential informants
 - G. By any Officer assigned duty inside Heritage Valley Beaver Hospital
 - H. BWC recordings shall NOT be routinely disseminated except to other law enforcement agencies where there is an investigative interest or criminal investigation involving the BWC recording. Prosecutors shall be included as law enforcement for the purpose of viewing and compliance with discovery requests. Any other dissemination shall seek the approval of the Chief of Police upon review with the Solicitor of the Brighton Township Police Department. Active criminal investigations involving BWC shall need the permission of the District Attorney in order to consider the release of any video.
 - I. Under no circumstances, shall any Officer record or copy an incident on a mobile device or other device without the authorization of the Chief of Police. Failure to comply with this rule will result in decisive disciplinary action.

5. Body Worn Camera Recording Operations

- A. Activation: Officers shall activate the BWC to record the following types of incidents whenever operationally feasible:
 - 1) Traffic and criminal enforcement stops
 - 2) In-Progress Vehicle and Crime Code violations
 - 3) Police pursuits and patrol vehicle travel movements when emergency lights and/or siren are activated
 - 4) Field interviews, interrogations (not occurring in the Police Department Interview room with an active recording system), and intoxication/field sobriety testing
 - 5) Serious crash or major crime scenes, as necessary, to document the scene
 - 6) Traffic safety and sobriety checkpoints
 - 7) Prisoner transports – any transport of persons other than prisoners shall be up to the discretion of the transporting officer
 - 8) Searches of vehicles and/or persons (excluding strip searches)
 - 9) Motorist assists
 - 10) All calls dispatched or incidents encountered involving citizen/police interaction
- B. Deactivation: Notwithstanding the exemptions in this policy, when the BWC system has been activated to record an incident, the recording shall NOT be stopped until the incident has been completed. Upon conclusion of the incident, the Officer shall record a short statement that the incident has been completed (similar to your radio voice clearing of a call with dispatch) and deactivate the recording.
- C. Exceptions: There may be occasions when an Officer is unable or otherwise chooses not to activate their BWC or may deem it necessary to temporarily deactivate their BWC. Officers shall need to be prepared to articulate their reasons/rationale when

exercising this discretion. In cases where it is necessary or prudent to temporarily deactivate the BWC, the Officer shall declare on the recording the reason prior to the deactivation. Upon reactivation of the BWC, the Officer shall state that the recording shall resume. Situations when the BWC may be deactivated include, but are not limited to:

- 1) Protecting the anonymity of an informant or other confidential source of information
- 2) Interviewing sexual assault or trauma victims. Officers may choose to deactivate their BWC with consent from the victim.
- 3) Officer safety concerns
- 4) Conversations involving sensitive law enforcement information
- 5) Cases/criminal charges preparation and discussion
- 6) When directed by the Chief of Police, Captain or Sergeant, the Officer shall note the name and rank of the supervisor so directing prior to deactivation
- 7) Any incident where the Officer feels that the continued activation shall intercept someone's reasonable expectation of privacy not related to the incident, if safe and practicable to do at the time.

6. Legal Requirements

Officers shall abide by the following legal requirements governing the use of Brighton Township BWC equipment:

- A. Officers shall not use the Department BWC unless acting in the performance of their official duties
- B. Officers shall only use Department BWC equipment which has been approved for use in accordance with Pennsylvania law. The use of personally or privately owned recording equipment for documentation purposes is prohibited.

7. Additional Requirements

Officers shall abide by the following additional requirements governing the use of Department BWC equipment:

- A. Officers are encouraged (if possible and safe to do) to narrate the audio/video recording during a recorded incident to aid in establishing probable cause for enforcement action and assist in report preparation. Officer/citizen safety is a priority and neither should be jeopardized during a narration.
- B. Officers shall make every effort to ensure the BWC system does not inadvertently record unnecessary audio/video during the course of their shift.
- C. Officers shall inform all individuals identifiably present, as soon as reasonably practicable and safe, that the BWC is being utilized to record the encounter/incident.
- D. When powered on, the BWC system continuously buffers video to the hard drive. If an Officer is unable to trigger an event recording when required, the Record After The Fact (RATF) function may be used only when designated by the Chief of Police to retrieve and preserve buffered video from the recent past. *Under no circumstances shall any Officer access the buffered video RATF function and view ANY portion thereof without the need to retrieve a specific incident that was unable to be triggered. Discipline will be administered to violations of this policy. Any incident*

- outside of the scope shall require the authorization of the Chief of Police and shall not compromise an officer/citizen expectation of privacy.*
- E. The Chief of Police, Captain and Sergeant will be trained and authorized in the RATF function.
 - F. Should either the audio or video portion of the BWC system fail while in use, the Officer shall report the problem/failure to either the Chief of Police, Captain or Sergeant, who shall remove the device from service.
 - G. Officers shall not erase, delete or otherwise alter any audio/video recorded on Department BWC equipment.
 - H. Upon completion of their assigned shift, Officers shall:
 - 1) Ensure the BWC is placed in the docking port located within the Police Department to enable the device to be recharged as well as to download the data to the server.
 - 2) Logout of the BWC software system.
8. Reporting Requirements
- A. Whenever a BWC is present and activated during an encounter or incident, Officers shall document, in the applicable report, that a BWC was present and utilized during the incident.
 - B. Officers failing to record an incident or encounter required to be recorded, when a BWC is present, shall document the circumstances in the report and articulate the reason(s) the incident or encounter was not recorded.
9. Viewing of BWC Recordings
- A. Officers are permitted to review the audio and video footage captured by a Department-issued BWC during a duty assignment or related police/citizen interaction. A review of available BWC footage will often aid in the preparation of applicable reports and foster the most complete and factually accurate account of the incident.
 - B. Officers shall adhere to the following restrictions and considerations associated with the review of BWC recordings.
 - 1) A review of applicable BWC footage by an Officer involved in a shooting must be authorized by the appropriate Pennsylvania State Police Investigator in charge or the Brighton Township Chief of Police.
 - 2) Determinations concerning the timing of an involved Officer's review of the BWC footage, in relation to a criminal or administrative interview, shall conform to recognized investigative strategies and address considerations such as:
 - a) The realities of human memory
 - b) The complexities of Officer perception and behavior
 - c) The dynamics and environmental factors associated with the event
 - d) The benefits/limitations of audio and video recordings
 - e) The nature and degree of stress/emotion experienced by the Officer
 - 3) Officers shall obtain approval from the Chief of Police, Captain or Sergeant prior to viewing a BWC recording made by another member. The supervisor shall ensure that the examination of footage associated with a shooting or other serious

police incident is handled in compliance with the restrictions set forth herein in 9.B.1) and is limited to those members and/or such supervisors that have a legitimate need to review this recording.

10. Duplication/Retention of BWC Recordings

- A. Mandatory Duplication/Retention: recordings made from Department BWC equipment of incidents which may result in the filing of misdemeanor or felony charges and/or incidents which are likely to become the subject of civil litigation against the Department or its personnel including, but not limited to, patrol vehicle crashes, incidents involving use of force and incidents involving verbal or written complaints against the Department or its personnel, shall be duplicated, retained and processed as evidence by the Chief of Police, Captain or Sergeant as soon as practical. Officers are responsible for notifying the supervisor along with the completion of the audio/video form for the need of duplication and retention.
- B. Requests for Non-Mandatory Duplication/Retention: Any Officer who determines that duplication and retention of a recording not specified in this policy is necessary (i.e. a recording that has potential value as a training aid) shall notify the Chief of Police, Captain or Sergeant as soon as possible. Such supervisor shall evaluate and process each request in accordance with this policy. (See Section 10E.8).)
- C. Recording Medium: Recordings made from Department BWC equipment may be duplicated/retained on any of the following types of recording mediums.
 - 1. Non-Rewritable Compact Disc (CD)
 - 2. Non-Rewritable Digital Video Disc (DVD to include dual layer and Blu-ray)
 - 3. Universal Serial Bus (USB) drives
- D. All recordings uploaded to BWC servers will be automatically deleted 60 days after the date the recording was uploaded to the server. Therefore, recordings required to be duplicated/retained in accordance with this policy, must be duplicated within 60 days of the incident/recording. A request for duplication/retention of a recording after the automatic 60-day deletion period cannot be processed. It is the duty of the Requesting Officer to ensure that any BWC recording required to be duplicated/retained has been duplicated within 60 days of the incident/recording. The time periods for storage of recorded files as set forth in the Police Department Procedure 1.110 shall not apply to BWC retention.
- E. The Chief of Police shall ensure the following types of recordings made by Department BWC equipment are duplicated and stored in accordance with this policy.
 - 1) A recording requested to be preserved by an Officer appearing on the recording, the Chief of Police, Captain or Sergeant, an Officer conducting an investigation of criminal misconduct of an Officer, or where the recording may be necessary for use in any criminal or forfeiture proceeding.
 - 2) A recording requested to be preserved by an Officer appearing on the recording, or by the Chief of Police, Captain or Sergeant, where the recording may be necessary for use in any summary proceeding involving a serious traffic violation. The duplicated recording shall be destroyed 90 days from the conclusion of all proceedings related to the offense.

- 3) A recording requested to be preserved by the Chief of Police or where the recording may be necessary for use in any civil, administrative or disciplinary proceeding. The duplicated recording shall be retained until destruction as determined by the Chief of Police.
- 4) A recording requested to be preserved by an individual who is a participant on the recording for use in any criminal proceeding. Such requests shall be in writing and should include the date, time and location of the recording and the names of the parties involved along with the request form.
- 5) A recording requested to be preserved by an individual who is a participant on the recording for use in any civil proceeding against the Department or its personnel. Such requests must be in writing and should include the date, time and location of the recording and the names of the parties involved. The duplicated recording 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 Township Solicitor and the Chief of Police.
- 6) A recording 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 Department or its personnel. Such requests must be in writing and should include the date, time and location of the recording and the names of the parties involved. Notice of the request shall be immediately provided to the Township Solicitor as well as the Chief of Police. The recording should be duplicated and retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under Department policy, whichever comes first.
- 7) A recording that is the subject of a subpoena, court order or request for pre-trial discovery or inspection. Copies of the recording shall be furnished to the requester in accordance with this policy.
 - a) In criminal cases, notice shall be provided to the prosecuting attorney.
 - b) In civil cases against the Department or its personnel, notice shall be immediately provided to the Township Solicitor and the Chief of Police. The duplicated recording 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 Township Solicitor and the Chief of Police.
 - c) In civil cases not against the Department or its personnel, the recording 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 this policy, whichever comes first.
- 8) A recording requested to be preserved by the Chief of Police for training purposes. The recording shall be duplicated and provided to the requester, who may retain the recording indefinitely. Consent must be obtained by all participants before any of the oral communication on the recording can be disclosed for training purposes.
- 9) A recording to be preserved for any purpose authorized by law.
- 10) The Chief of Police, Captain and Sergeant shall complete a supplemental report to be attached to the incident when a recording is duplicated or when duplication is

attempted and unsuccessful. If duplication is unsuccessful, an explanation shall be included in the supplemental report.

11) Duplicated recordings shall be retained for the appropriate time period specified in this policy.

11. Body Worn Camera Audio/Video Recording Storage

- A. Each location designated to store Department BWC recordings shall maintain a securable BWC locker/storage area for CDs/DVDs/USBs containing BWC recordings.
- B. The BWC locker/storage area shall be considered a property storage area and shall remain locked, with access being restricted to Chief of Police, Captain and Sergeant.
- C. Each CD/DVD containing a duplicated recording made from Department BWC equipment shall be clearly labeled with the Case Number (incident and I number if applicable), as well as the supervisor's initials on the center plastic insert of the CD/DVD. This shall be done with a fine tipped permanent marker (i.e. sharpie type) and then placed into the protective sleeve or case.
- D. Each USB drive containing a duplicated recording made from Department BWC equipment shall be placed into and sealed in an appropriate-sized envelope. The envelope containing the USB drive shall be clearly labeled with the Case Number (incident and I number if applicable), as well as the supervisor's initials. This shall be done with a fine tipped permanent marker (i.e. sharpie type).
- E. Once properly packaged and labeled, each CD/DVD/USB drive containing a recording required to be maintained pursuant to this policy shall be logged on an inventory sheet in the secured locker/storage area. The recording shall be filed chronologically by the investigating/arresting officer's last name with the following information:
 - 1) Case/Incident Number
 - 2) Date/Time/Duration of the Recording
 - 3) Participants on the recording if known
 - 4) Brief Summary of the Contents (i.e. domestic, motor vehicle crash, etc.)

12. Damage/Replacement and Transfer of Department BWC Equipment

- A. Damage to Department BWC equipment shall be reported to the Chief of Police.
- B. A spare BWC shall be reissued, if available, with the proper settings for the Officer to function in compliance of this policy.

13. Officer Responsibility/Training and Supervisory Responsibilities/Violations

- A. Prior to the use of Department BWC equipment, each Officer must complete a Department approved training program to ensure proper use and operations. Additional training shall be provided as assessed by the Chief of Police as needed.
- B. BWC equipment care is the responsibility of individual Officers and reasonable care of the equipment shall be made to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Chief of Police, Captain and Sergeant as soon as possible so a replacement unit can be procured.

- C. Each Officer equipped with a BWC shall inspect and test the BWC equipment prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
- D. Officers shall NOT edit, alter, erase, duplicate, copy, share or otherwise distribute, in any manner to non-law enforcement agencies, BWC recordings without prior authorization and approval from the Chief of Police.
- E. Supervisory personnel shall ensure that Officers equipped with BWC equipment devices utilize them in accordance with this policy.
- F. On a quarterly basis, Officer's BWC recordings shall be randomly reviewed to ensure the equipment is working properly, that Officers are using the devices appropriately and in accordance with this policy as well as to identify areas in which there are policy violations. This random viewing shall be done by the Chief of Police.
- G. As noted periodically in this policy, violations of this policy regarding the use of BWC equipment are subject to discipline, up to and including termination consistent with the disciplinary policy. All efforts shall be made to protect the Officer's expectation of privacy involving the use of BWC equipment.

14. Release of BWC Equipment Recordings

- A. BWC recordings are not subject to Pennsylvania Right-To-Know Law, according to the provisions of Act July 07, 2017, P.L. 304, No. 22.
- B. Public requests for Department BWC recordings shall comply within the Act July 07, 2017, P.L. 304, No. 22 and shall be handled in accordance to the Act.
- C. The release of any Department BWC recordings shall be in accordance with the provisions of Act July 07, 2017, P.L. 304, No. 22.
- D. In order to be in compliance with Act July 07, 2017, P.L. 304, No. 22, the Brighton Township Police Department shall consult with the Township Solicitor as well as the District Attorney's Office.