

"To Protect and To Serve"



RIDGWAY POLICE DEPARTMENT



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Ridgway Police Department Policy for Body-Worn Cameras

I. PURPOSE

This policy provides instructions to officers within the Ridgway Police Department on when and how to use body-worn cameras (BWC's) so that officers may reliably record their contacts with the public in accordance with the law.

II. POLICY

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. ACT 22 of 2017

Act 22 amended the definition of "Oral Communication" in 18 Pa.C.S. §5702 of the Wiretap Act to specifically exclude communications made in the presence of a law enforcement officer on official duty who is in uniform or otherwise clearly identifiable as a law enforcement officer and who is using an electronic, mechanical, or other device which has been approved as set forth in the Act. Consequently, the following are no longer applicable to police recordings:

- a. The prohibition on recording inside a residence;
- b. The requirement for police to inform of the recording; and
- c. Civil and/or criminal penalties contained within the Wire Tap Act.
- d. Right to production of recordings made inside a facility owned or operated by law enforcement agency.

IV. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs provide accurate documentation of police-public contacts, arrests, and critical incident responses. They also may serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings allow the police and prosecutors to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes.
3. BWCs are useful in documenting crime and accident scenes or other events, including the confiscation and documentation of evidence or contraband.
4. BWC recordings permit enhanced evaluation of police conduct and professionalism.
5. BWCs are extremely useful training tools, allowing a review of both exemplary police tactics and areas for improvement.

B. When and how to use the BWC

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties including, but not limited to, traffic stops, pursuits, interviewing a witness, etc.
2. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see below, IV.D.1-2).
3. When victims, witnesses or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, officers should turn off the BWC in order to obtain the statement or information. If the encounter begins when the BWC is not actively recording, the law enforcement officer should, but is not required to, temporarily activate the BWC for the sole purpose of documenting the person's refusal to be recorded.

4. If officers are unable to begin recording with the BWC due to circumstances making it unsafe, impossible, or impractical to do so, officers should begin recording with the BWC at the first reasonable opportunity to do so. Officers should document, in writing, the circumstances preventing them from activating the BWC and provide that documentation to the Chief of Police.
5. If the BWC fails to activate for any reason, fails to record the entire contact, or terminates the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
6. Civilians shall not be allowed to review the recordings at the scene of the recording, absent a compelling law enforcement justification. Civilians do not have unrestricted access to BWC recordings under Pennsylvania law.
7. The BWC may only be deactivated for the purpose of not recording an event by the authorization of a commanding officer (such as the Chief). The deactivation reason shall be recorded via the BWC, with the commanding officer stating the reason via BWC recording if practicable.

C. Procedures for BWC Use

1. BWC equipment shall only be issued to a law enforcement officer on official duty who is in uniform or otherwise clearly identifiable as a law enforcement officer as authorized by this department.
2. Officers shall use only BWCs approved by law and issued by this department. All data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this department.
3. Prior to the use of BWCs, officers who are assigned BWCs must complete a department-approved and/or provided training program to ensure proper use and operations. 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.
4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the BWC operator's supervisor as soon as possible so that a replacement unit may be procured.

5. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner to non-law enforcement agencies BWC recordings without prior written authorization and approval of the chief of police or his or her designee.
7. Officers are encouraged to inform the chief or his or her designee of any recordings that may be of value for training purposes.
8. The chief or his designee shall be responsible for taking physical custody of the BWC and downloading the recording for storage for all situations where there is an officer-involved shooting, in-custody death, or other use of force resulting in serious bodily injury or death.
9. If an officer is involved in an officer-involved shooting or other use of force, the department reserves the right to limit or restrict an officer from viewing the BWC recording.
10. If an officer's conduct is at issue in either an internal affairs investigation or a criminal investigation, the department reserves the right to limit or restrict an officer from viewing the BWC recording.
11. Requests for deletion of portions of BWC recordings (for instance, in the event of an inadvertent non-work recording or personal recording) must be submitted in writing and approved by the chief of police or his or her designee in accordance with the PA record retention laws. All requests and final decisions shall be kept on file.
12. Officers shall note in incident, arrest, and related reports that BWC recordings were made during the incident in question. The written report shall note basic facts about the recorded incident but will allow the recording to provide the details. BWC recordings are not a replacement for written reports.

D. Restrictions on Using the BWC

1. BWCs shall be used only in conjunction with official law enforcement duties. BWCs generally shall not be used to record:
 - a. Personal communications with other police personnel;
 - b. Encounters with undercover officers or confidential informants;

- c. When on break or otherwise engaged in personal activities; or
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or a locker room.
2. BWC recordings shall not be disseminated, except to other law enforcement agencies and for discovery in criminal prosecutions. Prosecutors are included as law enforcement agencies. Any other request for dissemination should be referred to the chief of police for review. Non-law enforcement requestors shall be provided with a “Requesting Audio/Video Recordings” form. The form will state the current laws pertaining to audio/video recordings and outline the procedure to request such recordings.
 3. BWCs shall not be used in accordance with any type of facial recognition software or programs. Currently, the RPD does not possess or operate any such software or programs. Should such software or programs be implemented within the department, a *separate* policy regarding its use with BWCs shall be established.
 4. Currently, the RPD does not release any BWC recordings to any outside agencies for external audit. As such, no policy for such a procedure exists.

E. Storage

1. All Files¹ shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, assigned officer, and type of event.
2. All images and sounds recorded by the BWC are exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited, except when a request has been approved by the chief.
3. All access to BWC data (images, sounds, and metadata) beyond regular criminal investigative and prosecutorial activities must be specifically authorized by the chief or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files shall be securely stored in accordance with state records retention laws. Files shall be stored for at least sixty (60) days. However,

¹ For the purpose of this document, the term “file” refers to all sounds, images, and associated metadata.

because of storage constraints and costs, files shall be stored no longer than useful for purposes of training or for use in an investigation or prosecution. In murder prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly, officers are using the devices appropriately and in accordance with approved policy, and to identify any areas in which additional training or guidance is required.
3. If there is a formal complaint about an officer's performance of their official duties, a supervisor shall review any available BWC recordings as part of any internal investigation procedure.
4. The department hereby designates the following officer to address public/media access requests under the Pennsylvania Right to Know Law: "Chief of the Department".

G. Violations

Violations of this policy regarding use of BWCs are subject to discipline, up to and including termination.

If you have acquired or are considering acquiring BWC's through a grant from PCCD, PCCD has the following additional requirements for a BWC policy:

1. Public access to the BWC policy
2. Rules on the use of facial recognition software in conjunction with BWCs
3. External audit of BWC videos
4. Using BWC videos to monitor agency policy of officer performance