

"To Protect and To Serve"



RIDGWAY POLICE DEPARTMENT



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Ridgway Police Department Policy for Body-Worn Cameras - 4/11/2023

I. PURPOSE

This policy provides guidelines and procedures 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. Officers and citizen safety shall be the primary consideration when interacting with citizens and/or suspects. 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 Consequently, the following are no longer applicable to police recordings: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 wear body-worn cameras in a manner consistent with department training.
2. Officers may only use BWCs that have been issued by the department. Privately owned BWCs are not permitted.
3. Officers shall only use BWC's and equipment in the performance of their official duties.
4. The BWC shall be worn for the entire shift and maintained in a constant state of operational readiness.
5. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties including, but not limited to, traffic stops, vehicle crash investigations, transports of prisoners and/or citizens, searches, pursuits, interviewing a suspect/victim/witness, or any incident when the officer deems it appropriate to activate the BWC in accordance with this policy or upon direction from a supervisor. When the BWC has been activated to record an incident, it shall not be deactivated until the incident has been completed, unless otherwise authorized by policy.
6. Although notice is not required by law, in certain circumstances it may prove beneficial to provide notice of the recording, using a phrase such as, "Our actions and words are being recorded", or "Our interaction is being recorded on

my body camera”. Such notice may assist an officer to deescalate confrontational situations.

7. When safe and practical to do so, officers may narrate the video recording contemporaneously (i.e., at the same time) with a recorded incident, to assist with the accurate documentation of events.
8. 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/muted, officers will have the *discretion* to turn off/mute 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. Any time a recording is stopped/muted for the purpose of obtaining a statement and prior to the conclusion of an incident, the details surrounding the deactivation/muting, must be documented either using the BWC or in writing.
9. 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. Such documentation may be made through log entries and/or crime reports.
10. Officers shall note in their crime report if BWC recordings were made during the incident in question. BWC recordings are not a replacement for written reports.
11. 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. Such documentation may be made in log entries and/or crime reports.
12. 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.
13. 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), unless otherwise authorized by this policy (i.e. deactivating at the request of a victim/witness, to obtain a statement). 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.

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. Officers shall ensure all BWC data is uploaded at the end of their shift, and when necessary, during their shift, to ensure storage capacity is not exceeded.

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.
4. Officers will ensure BWC devices are securely stored in authorized locations when devices are not in use.
5. Files shall be securely stored in accordance with state records retention laws. Files shall be stored for at least sixty (60) days. However, 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.
6. Officers shall not:
 - a. Purge, delete, erase, edit or alter any BWC recordings or images. Such actions may only be taken by the Chief of Police or his/her designee.
 - b. Remove, dismantle, or tamper with any hardware or software component or part associated with BWCs.
 - c. Copy, convert, record, or disclose the contents of a BWC recording including posting to any public and/or social media site without approval of the Chief of Police or his/her designee, BWC recordings shall only be shared for official law enforcement purposes.
 - d. Download or convert any BWC recording for personal use.
 - e. Use department-issued BWCs while off duty.
 - f. Record images or conversations of officers without their knowledge during routine, non-enforcement related activities.
 - g. Record a particular person based solely on the person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, physical disability status, or political affiliation.
 - h. Record strip searches.
 - i. End a recording based solely on a citizen's request/demand.

F. Officer Access and Review

1. Officers may review BWC recordings prior to documenting an incident arrest, search, interview, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete. Officers are also responsible for the retention and duplication of BWC recordings that are pertinent to their investigation in conformance with this policy.
2. Mandatory Retention: The following types of incidents recorded on BWC equipment shall be retained and processed as evidence:
 - a. Incidents which may result or have resulted in the filing of criminal charges.
 - b. 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, pursuits, critical incidents, incidents involving the use of force, and incidents involving verbal complaints against the Department or its personnel.
 - c. Incidents involving injuries to officers and injuries incurred or alleged to have been incurred as the result of police actions.
 - d. Recordings which have been properly requested pursuant to Act 22 of 2017.
 - e. The aforementioned BWC recordings shall be retained for no less than 100 days to accommodate any delays in processing a request.
3. If an officer is involved in an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death, the department reserves the right to limit or restrict an officer from immediately viewing the BWC recording. Prior to an interview with an external investigator, BWC recordings of the incident will be made available to the involved officer(s).

G. 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 Chief of Police or his designee may utilize the information from the recordings during the completion of performance evaluations.
5. Supervisors and FTOs may review BWC recordings involving Probationary Police Officers for the sole purpose of evaluating the performance of the Officer during their probationary period.
6. An annual review of the BWC program and policy shall be conducted by the Chief of Police or his designee to ensure proper compliance in light of any recommended changes to such policy, on the national and/or local level.
7. The department hereby designates the following officer to address public/media access requests under the Pennsylvania Right to Know Law: “Chief of the Department”.

H. Dissemination

1. Dissemination of audio and video recordings shall be in accordance with PA Law.
2. Regarding *Public* requests for law enforcement audio and/or video recordings, only the Chief of Police or his designee shall fulfill such a request. Such requests shall be in accordance with Act 22 of 2017 and must fully comply with the Requesting Audio/Video Recordings Form, which is attached to this policy.
3. Regarding *Law Enforcement* requests for law enforcement audio and/or video recordings, only the Chief of Police or his designee shall fulfill such a request. A Law Enforcement Recording Request Form shall be completed by the requesting Law Enforcement Officer. Said form is attached to this policy.

I. 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