



# East Norriton Township Police Department

## GENERAL ORDER 2.4.8

### MOBILE VIDEO/AUDIO RECORDING SYSTEM and FACIAL RECOGNITION SOFTWARE

<b>Issued Date:</b>	<b>Effective Date:</b>	<b>Revised</b>
<b>Date:</b> March 23, 2011	March23, 2011	January 29, 2019

#### PLEAC STANDARD Reference

2.4.2

#### Index Words

In Car Mobile Video Recording  
Facial Recognition Software

### 2.4.8 Mobile Video/Audio Recorders

#### A. Purpose

This order establishes guidelines for the proper use and care of the mobile video/audio recording equipment (MVAR) and to establish policy regarding the retention, storage and release of mobile digital video files and images.

It shall be the policy of this department to comply with the laws of the Commonwealth of Pennsylvania while striving to achieve maximum benefit from the MVAR equipment. Officers shall follow the procedures outlined in this policy for MVAR use and care. MVAR provides law enforcement with a powerful tool to accurately document evidence of criminal activity in visual and audible format. MVAR also captures information that can be used to:

- Prosecute criminal activity
- Preserve honesty, integrity and professionalism
- Defend against civil litigation and allegations of officer misconduct
- Ensure accountability
- To enhance officer safety.
- To accurately capture statements and events during the course of an incident.
- To enhance the officer's ability to document and review statements and actions for both reporting requirements and for courtroom preparation/presentation.
- To provide an impartial measurement for self-critique and field evaluation during recruitment and officer training.
- To capture visual and audio information for use in current and future investigations.

## **B. Definitions**

*Degaussing:* Electronic cleansing of analog recording media. Returns the media to its original state (ready for the imprinting of new images).

*Facial Recognition Software/Programs* – The process of biometric identification accomplished by electronically scanning a person's face and comparing it to a library of known faces.

*In-Car Camera System and Mobile Video Audio Recorder (MVAR):* These are synonymous terms and refer to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

*MVAR Technician:* Personnel trained in the operational use and repair of MVARs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures. (Dependent on the size and needs of the agency, the role of the MVAR Technician may be delegated to the supervisor.)

*Recorded media:* Refers to audio-video signals recorded on any of several storage devices, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, etc).

## **C. General Procedures**

1. Officers shall not use the MVAR equipment until they have successfully completed the following:
  - a. Department approved training on the use of the system
  - b. Review of this policy in its entirety
2. MVAR use is mandatory in all vehicles equipped with a MVAR. MVAR equipment installed in a police vehicle is the responsibility of the officer assigned to and/or operating that vehicle and will be maintained according to manufacturer's recommendations.
3. It shall be the responsibility of this department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.
4. The MVAR shall automatically activate when emergency equipment (lights and/or siren) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle. A triggering event set by the Chief of Police or designee may also automatically activate the MVAR.
5. Placement and operation of system components within the vehicle shall be based on officer safety and manufacturer requirements.
6. Certain unmarked police vehicles and police motorcycles may not be equipped with an MVAR system at the discretion of the Chief of Police.

#### **D. Officers' Responsibilities**

1. Inspection and general maintenance of the MVAR installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.
1. The MVAR shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
  - a. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters:
    - (1) Remote Audio Transmitter functional:
      - Adequate power source
      - Connected to the recording equipment
      - Remote activation of system via transmitter
    - (2) Camera:
      - Windshield and camera lens free of debris
      - Remains in power "ON" position
      - Camera facing intended direction
      - All cameras installed are active
    - (3) Recording mechanism capturing both audio and video information:
      - System plays back both audio and video tracks
2. Malfunctions, damage or theft of in-car camera equipment shall be immediately reported to the Immediate supervisor.
  - a. A subsequent written report shall include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action.
  - b. In the event the MVAR is not functioning, the officer may use another vehicle with a functional MVAR, if available.
3. Officers shall monitor their MVAR system's available recording storage space. The patrol vehicle shall be returned to the police station where automatic download will occur when storage space becomes low.

#### **E. Mandatory Recordation**

1. The following situations shall be subject to mandatory recordation:
  - a. Vehicular Encounters (to include, but not limited to traffic violations, motorist assistance, vehicle crashes and all criminal interdiction stops)
  - b. Pedestrian Stops
  - c. Priority responses
  - d. Vehicle pursuits
  - e. All transports
  - f. Crimes in progress
  - g. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.

2. Although not required by law if the officer is in uniform or otherwise clearly identifiable as a law enforcement officer, it may be beneficial in certain situations to inform the subject, "I am Officer \_\_\_\_\_ of East Norriton Township Police Department and this encounter is being audio and video recorded." There is data suggesting individuals may behave more civilly if they know their words and actions are being recorded.
3. When the MVAR is activated, officers shall ensure that the audio portion is also activated so all events are properly documented. Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.
4. Officers will immediately inform their supervisor if the MVAR fails to activate or record an event.

#### **F. Restrictions on Using MVR**

1. MVAR shall be used only in conjunction with official law enforcement duties. The MVAR shall not generally be used to record:
  - a. Communications with other police personnel without the permission of the Chief of Police.
  - 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 locker room.

#### **G. Operational Protocols**

1. Officers will document use of the MVAR in an incident report, if one is completed.
  - a. Officers may review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
2. With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with MVAR recordings.
3. Officers shall not erase, alter, reuse, modify or tamper with MVAR recordings.
4. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the MVAR technician.
5. When the MVAR is activated to document an event, it shall not be deactivated until the event has been concluded unless:
  - a. The incident or event is of such duration that the MVAR may be deactivated to conserve recording times; and
  - b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
  - c. The intention to stop the tape has been noted by the officer either verbally or in a written notation

- d. Deactivation is required by law, such as in the event an officer enters a private residence

#### **H. Patrol Supervisor's Responsibilities**

The regular review of triggered events shall be conducted to ensure proper functioning and use of equipment, for the identification of beneficial training recordings, for officer evaluation purposes and for policy compliance.

1. Patrol Sergeants (or in absence of the Patrol Sergeant for more than one month, the OIC) shall conduct a monthly audit of at least one recording for each officer under their supervision.
2. Patrol Sergeants shall document audits on the Monthly Supervisor's report.
3. Audits shall primarily be viewed for training opportunities. Minor infractions discovered during audits shall be handled by the Patrol Sergeant and, unless habitual in nature, shall not be part of formal disciplinary documentation.
4. Serious infractions or criminal conduct discovered during the audit process shall be reported by the Patrol Sergeant to the Chief of Police without delay.
5. It is the duty of the Patrol Sergeants to ensure this policy is strictly adhered to by all officers.
6. Supervisors shall report any MVAR malfunction to the MVAR Technician. In the event this failure of the system involves the loss of criminal evidence, or actions of the officer, the Evidence Custodian and/or MVAR Technician will notify the Chief of Police.

#### **I. Technicians' Responsibilities**

1. A designated officer or other employee (MVAR technician) shall be responsible for the ordering, issuance, retrieval, storage, cleansing (degaussing), and duplication of all recorded media.
2. The MVR technician shall be responsible for all repairs and maintenance of the MVAR system and components.
3. Recorded media may only be degaussed/erased:
  - a. Pursuant to a court order; or
  - b. In accordance with established retention guidelines.
4. The MVAR technician shall be responsible for the following:
  - a. Long-term storage of media deemed to be of evidentiary value consistent with the department's evidence storage protocols and retention schedule.
  - b. The cleansing (degaussing) and re-issuance of all other media deemed to be of no evidentiary value consistent with the department's document retention requirements.

#### **J. Administration/Control, Management, Retention Responsibilities**

1. Officers may request a copy of their event through the evidence custodian. Copies of recorded events shall be handled as evidence.
  - a. Under no circumstances shall a recorded event be copied, reproduced, retained or disseminated other than as defined in this order unless specifically authorized by the Chief of Police. All recordings and reproductions thereof are property of the East Norriton Township Police Department and shall be retained in accordance with the guidelines set forth in this policy.
  - b. Copies will be transitioned from the secure DVD burner to the Evidence Custodian, or designee, and subsequently entered into evidence through the normal evidence process. (G.O.'s 3.5.2, 3.6.1)
2. Original recordings will be retained for a period of no more than (90) ninety-days but not less than (30) thirty days unless a request is made for retention. Once a retention request is made, the Evidence Custodian will file within the MVAR server the requested recording. All media recordings (both video and audio) are the property of the East Norriton Township Police Department.
3. Only unedited copies will be released to other criminal justice agencies for investigative or training purposes. Copies will only be released with the approval of the Chief of Police, or designee.
4. Unless otherwise specified, a court order or subpoena is required for any MVAR recording requested by non-criminal justice entities.
5. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.
6. Recordings may only be erased pursuant to a court order or in accordance with established retention guidelines.

#### **K. Use of Background Recordings (i.e. Record-After-the-Fact)**

1. MVAR equipment records on a loop and can provide valuable evidence by enabling recording after the fact. MVAR equipment may be in a position to capture useful recordings; however, based on the circumstances at the time, the equipment may not be turned on.
2. Where there is reason to believe the MVAR has captured recordings which would aid in an investigation, a request shall be made, in writing, to the evidence custodian to preserve such recording, should it exist.
3. Background recordings may be used in official internal affairs investigations conducted in accordance with G.O 2.3.1, et al.
4. Background recordings should not be used to initiate an investigation into Officer conduct unless there is reason to believe a violation of policy or law exists. Where such belief exists, a written record detailing the dates, times and reason for the search shall be maintained.

#### **L. Use of Facial Recognition Software or Programs**

1. In response to actual or suspected criminal activity, police personnel are authorized to employ facial recognition software/programs for investigating purposes including but not limited to identifying suspects, individuals with outstanding warrants, crime victims and/or missing persons.
2. Police personnel utilizing facial recognition software or programs to analyze data collected via MVAR shall have completed prior training in the proper use of said technology.
3. Any additional data generated by facial recognition software/programs shall be managed in the same manner as the original MVAR data.

#### **M. Public Access to Policy**

1. This policy will be posted on the municipality's public access website and shall be freely available for review by the public without restriction.

By order of:



Brandon Pasquale  
Chief of Police