

SCRANTON POLICE DEPARTMENT POLICY

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Body Worn Cameras

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I. PURPOSE

- A. The purpose of this policy is to provide officers with guidelines for the use of body worn camera equipment.
- B. This Department has adopted the use of body worn video/audio recording systems in order to accomplish several objectives, including:
 - 1. Accurate documentation of events, actions, conditions and statements made during arrests and criminal incidents, so as to enhance officer reports, evidence collection, and testimony in court.
 - 2. The enhancement of this Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, evidence for investigative procedures, as well as for the training program.

II. POLICY

Body Worn Cameras (BWC) has been demonstrated to be of value in the prosecution of criminal offenses, in the evaluation of officer performance, protecting the officer and the public from erroneous claims of civil liability resulting from wrongful accusations, and in training. In order to maximize the use of this equipment in these and related areas, officers shall follow the procedures for BWC set forth in this policy. Violations of this policy will subject the violator to disciplinary procedures.

This policy is written in accordance with the Pennsylvania Wire Tap Law (Title 18 Pa.C.S. Chapter 57); Recordings for Law Enforcement (Title 42 Pa.C.S Chapter 67A); and Act 22 of 2017.

III. DEFINITIONS

Agency Administrator – Member of the Scranton Police Department identified in the BWC system at the administrator level, with full access to user rights.

Axon Evidence.com – An online, web-based digital media storage facility accessed at <https://scrantonpdpa.evidence.com>. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and maintain an audit trail for user activity.

Axon Signal Sidearm – A Bluetooth device attached to a firearm holster that will activate nearby Axon BWC when the firearm is removed from the holster.

Axon Signal Vehicle – A Bluetooth device connected to a patrol vehicle that will activate nearby Axon BWC when certain, predetermined, triggers occur.

Axon View App – A mobile device application that enables a user to connect to an Axon BWC for the purpose of playback viewing of audio/video recordings as well as tag evidence recordings.

Body-Worn Camera (BWC) System – Equipment that is designed to be worn by an officer designed to capture audio and video signals and includes at a minimum a camera, a microphone and a recorder. The only authorized BWC shall be the AXON Body 2.

Designated Custodian of the Recordings – An employee designated by the Chief of Police that is assigned to manage the electronic recordings stored on Evidence.com.

Evidence Transfer Manager (ETM) – The ETM is a docking station that simultaneously recharges the BWC and uploads all data captured from the BWC to Evidence.com. The ETM ensures that evidence handling is secure and not altered.

Evidence Sync – Axon software that enables a user to connect an Axon BWC to a computer terminal for the purpose of transferring, viewing, or tagging evidence recordings.

IV. PROCEDURES

A. Officers shall adhere to the following procedures when utilizing BWC equipment:

1. BWC equipment is issued primarily to uniformed personnel working in a patrol function as authorized by this agency. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Scranton PD.
2. BWC audio recording equipment shall only be used to record conversations of individuals in the presence of an officer while the officer is on-duty or working an authorized extra duty assignment whether in police patrol uniform or while clearly identifiable as a police officer through other means (clearly visible badge, verbally identified as police officer, etc.).

3. Officers will be issued a BWC at the beginning of their shift. The shift supervisor shall issue the officer's assigned BWC after ensuring the BWC has completed the data upload before removing it from the ETM. *Exception:* The officer working the Scranton Police Headquarters Desk will not be required to wear a BWC.
4. Wearing the BWC
 - a. The BWC placement is impacted by the officer's individual uniform of the day.
 - b. The BWC must be worn:
 - 1) On the front of the outermost uniform garment (with the exception of a rain jacket) in such a manner to give the lens a clear, unobstructed view to capture the majority of the event area/person contacted.
 - 2) In a manner taking into consideration the security of the camera and the intended purpose of the camera capturing events.
 - 3) Facing outward, in a vertical upright position, and at or above the waist.
5. BWC Operations
 - a. The BWC must be turned "On" by sliding the ON/OFF Switch located at the top of the BWC to the "On" position. After the BWC is turned "On", the Operation LED light will blink green indicating the camera is in buffering mode.
 - 1) The BWC must be turned "On" upon leaving the Scranton Police Headquarters parking lot at the beginning of the officer's shift.
 - 2) The BWC should remain in the "On" position for the remainder of the officer's shift. *Exception:* The BWC may be turned "Off" when an officer has a reasonable expectation of privacy during non-enforcement activities (i.e. restroom). The BWC must be turned "On" at the conclusion of these activities.
 - 3) The BWC should not be turned "Off" until the BWC is returned to a shift supervisor at the end of shift.
 - b. BWC equipment will initiate a recording in the following manners. The BWC Operation LED will blink red indicating the BWC is recording.
 - 1) When an officer Double-Taps the EVENT Button located on the front of the BWC. When this occurs, the camera and the microphone will be activated.
 - 2) BWC devices will be linked to patrol vehicles through Axon Signal Vehicle (when equipped). All BWC devices in the area (approximately 30 feet) will begin recording when an Axon Signal device is activated. Event triggers for Axon Signal Vehicle BWC include:
 - a) When the vehicle's emergency lights are activated.
 - b) When the vehicle's weapon rack is activated via the electronic switch.

- 3) BWC devices will be linked to patrol officer's holsters through Axon Signal Sidearm (when equipped). When a firearm is removed from an equipped holster, all BWC devices in the area (approximately 30 feet) will be activated and begin recording.
- c. The BWC device currently has been set for a 30 second pre-record buffering function. When the camera is activated, the video will begin 30 seconds prior to the activation. There is no audio pre-record available; therefore the first 30 seconds recorded in the pre-record time frame will be without audio.
 - d. Officers are encouraged to narrate the video recording during a recorded incident, which will assist in establishing probable cause for enforcement action and assist in report writing.
 - e. The officer must hold down the EVENT button on the BWC for 3 seconds to stop all audio and video recordings.
 - f. The BWC EVENT button must be held for 3 seconds to stop recording at the conclusion of a call or incident. The recording may be stopped during non-enforcement activities prior to the conclusion of an incident such as when protecting vehicle crash scenes from further vehicular traffic, parades, etc. However, during criminal enforcement actions the BWC must remain in the recording mode.
 - g. When the recording function is activated to document an incident it should only be stopped at the end of the incident that the BWC was initiated to record. The cessation of recording prior to the conclusion of an incident may give the impression that the recording was halted to conceal an officer's improper conduct. To avoid any appearance of improper conduct a justification for halting a recording and the time and date should be verbally recorded prior to stopping a recording. Upon conclusion of an incident, officers should record a short statement that the incident has been completed and give the date and time.
 - h. When the recording is stopped, officers shall tag the recording with metadata. Officers should tag recordings throughout their shift. Officers shall tag recordings prior to the end of their shifts.
 - 1) Officers shall tag recordings with the following metadata:
 - a) ID – incident number (seven digits with no hyphen) or badge number if there is no incident number
 - b) Title (optional)
 - c) Category (Department defined). Multiple categories may be used.
 - d) Description (optional in evidence.com) – Any other information the officer deems necessary or beneficial to identify the event data.
 - 2) Events may be tagged using 3 methods:
 - a) In-field tagging

- i) Axon View App – The BWC may be paired via Bluetooth/Wi-Fi to a smartphone or tablet. Event recorded data may be viewed and tagged as evidence.
 - ii) Evidence Sync – The BWC may be synced with the MDT or Department desktop computer using the sync cable. Event recorded data may be viewed on the MDT and tagged as evidence.
 - b) Evidence.com – After the BWC is docked in the ETM and the data is uploaded to Evidence.com, the recorded data may be viewed by signing into Evidence.com and tagged as evidence.
6. At the end of their shift, officers shall return the BWC to a shift supervisor. The supervisor shall inspect the BWC and then place the BWC into the Evidence Transfer Machine (docking station) for charging and uploading of media. The supervisor shall monitor the BWC Dock Status LED lights when docking to ensure that the BWC/dock is functioning properly.
 - a. If officers are working extra-duty or overtime shifts following a scheduled shift, they will be permitted to maintain possession of their BWC.
 - b. Officers will be required to ensure their BWC are charged and fully functional for the duration of the extra-duty/overtime shift. Trickle-charging the BWC via the sync cable is permitted to maintain a charge for the duration of the shift.
 - c. At the end of the shift (*or during the next scheduled shift in the instance of an extra-duty shift*) the officers will be required to dock the BWC for the purpose of uploading recordings and syncing the BWC. An officer will be required to dock at the end of the shift if the BWC recorded any evidentiary recordings.
7. Officers *shall* use their BWC to record, when possible:
 - a. All field contacts involving actual or potential criminal conduct within video and audio or audio range.
 - b. Any time the officer is engaged in formal contact with a citizen. However, officers will have discretion in whether or not to record informal, non-law enforcement related interactions with members of the community. Officers should remain mindful though that indiscriminate recording may inadvertently create an atmosphere of apprehension and uncertainty. Officers may deactivate or not activate the body-worn camera when dealing with reluctant witnesses or victims.
 - c. The confiscation and documentation of evidence or contraband.
 - d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
8. Officer may use their BWC to record:
 - a. Legal, reasonable and appropriate surveillance of potential criminal suspects or crime scenes.
 - b. The circumstances at crime and vehicle crash scenes or other events.
 - c. Any incident an officer feels that there was something unusual that occurred or if he/she believes the incident may be scrutinized for any reason.
 - d. Any other incident that the officer determines is appropriate.

9. Officers shall note in case reports when recordings were made during the incident. There may be certain circumstances (officer safety, rapidly developing hazardous condition, out of view of camera) or locations (medical treatment facility, courtroom) that may prevent or delay the recording an incident. If an officer is unable to document an incident required under Section IV A7 as listed above, the officer shall note in the incident report any extenuating circumstances preventing the recording (officer safety, rapidly developing hazardous condition, out of view of camera, etc.)
10. Prohibited use
 - a. The use of BWC equipment for any reason other than a law enforcement purpose is NOT authorized and will subject the officer misusing the equipment to disciplinary action. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his/her designee.
 - b. Audio or video recording devices shall not be used in department locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy. If a criminal offense has occurred in these locations, a BWC recording may be initiated and every precaution shall be taken to respect the dignity of the victim by avoiding recording video and audio of persons who are nude or when sensitive areas are exposed.
 - c. The BWC shall not be used to record statements given by confidential informants or undercover officers.
 - d. The BWC shall not be used in the course of strip searches.
 - e. The BWC shall not be intentionally activated to record conversations of fellow employees during routine, non-enforcement-related activities without their knowledge or during break periods, or in designated break areas unless an active pre-existing investigation is underway and authorized by law.
11. Supervisors shall ensure that all officers follow established procedures for the use and maintenance of BWC equipment, handling of recordings, and the completion of proper documentation.
12. Muting Audio
 - a. BWC have the ability to mute audio while video recording continues. Muting audio is accomplished by pressing and holding the “Function” button on the side of the BWC for 3-5 seconds. The BWC Function LED will blink blue when audio is muted.
 - b. An officer will be permitted to mute BWC audio under the following circumstances:
 - 1) Privileged conversations.

- 2) While having private conversations or consultations with supervisors and/or other officers during the course of enforcement actions.
 - 3) When interviewing victims or witnesses and the victim/witness requests the officer to not record the statement.
- c. The BWC shall only be muted for the duration of the circumstance as listed above. The BWC shall be taken out of “Mute” when the circumstance justifying the muting of audio has ceased. Resuming audio is accomplished by pressing and holding the “Function” button for 3-5 seconds, which will also turn off the blinking blue Function LED.
 - d. Prior to muting audio, the officer shall narrate a short statement justifying the muting of audio. This is to avoid a perceived equipment failure or the impression the officer was attempting to conceal misconduct.
- B. Notice to persons being recorded
1. Pennsylvania law (Act 22 of 2017) does not require officers to notify individuals that they are being recorded in accordance with this policy. This is extended into a person’s residence while officers are lawfully conducting official duties.
 2. If asked, the officer will acknowledge the BWC is recording.
 3. An officer may at any time notify any person(s) that they are being video and/or audio recorded.
 4. Officers may deactivate or not activate the body-worn camera when dealing with reluctant witnesses or victims.
- C. Use of BWC recordings.
1. BWC recordings may be used in court proceedings to establish probable cause for arrest.
 2. The training unit may use BWC recordings to assess the training needs of the department or to develop training programs. Refer to section F.2.c.
 3. BWC recordings may be used for the purpose of facial recognition by the Scranton Police Department where possible.
- D. Maintenance
1. BWC equipment assigned to an officer is the responsibility of the officer and will be maintained according to manufacturer’s specifications.
 2. Prior to each shift, officers shall determine whether their BWC equipment is working satisfactorily and shall bring any problems at this or other times to the attention of their immediate supervisor as soon as possible. Officers shall report damage, loss or theft of BWC equipment immediately.

3. Officers are permitted to clean the lens of their BWC with a soft, damp cloth as needed. Officers shall not use solvents or cleaning products that may damage the lens of the BWC (e.g. Windex).
4. All other maintenance or adjustments of equipment shall only be performed by BWC maintenance personnel who have been specifically trained and authorized to conduct such adjustments or repairs.
5. Officers shall not be disciplined or be responsible for damage to BWC equipment that occurs in the ordinary course of duty.

E. Training

1. All sworn personnel shall be trained in the proper operation and use of the BWC equipment and this regulation prior to their authorization to use the BWC equipment.
2. The Training Unit shall maintain a record of all trained personnel.

F. Review of Recordings

1. Officer review
 - a. Officers may review BWC recordings to assist with investigations and the completion of required reports. Officers may also use BWC recordings to assist investigators and supervisors in evaluating on-going situations.
 - b. Officers involved in any use of force incident or accident causing injuries will be permitted, but will not be required, to review their own BWC recordings prior to providing a recorded statement or completing reports. Witness officers will be allowed to review BWC recordings.
 - c. Field Training Officers (FTO) may use BWC recordings to provide immediate training to recruits and to assist with the completion of agency reports and FTO evaluations.
2. Supervisor review
 - a. The Chief of Police or his/her designee may periodically review or copy BWC recordings to assess the training needs of the department, to evaluate departmental policies and procedures, or to supplement any investigation to include use of force incidents, citizen complaints, critical incidents, and/or intelligence functions.
 - b. Shift Commanders or designated Supervisors may review BWC recordings after receiving a specific complaint to determine if any apparent violation(s) of department policies or procedures has occurred.
 - 1) In the event an officer believes a recorded event may lead to a complaint, he/she should bring the recording to the attention of his/her immediate supervisor. The Shift Commander or the Captain in his/her absence

should review the recording and conduct any further investigation that the supervisor deems appropriate.

- 2) The Department shall not solicit complaints.
 - 3) If an officer self-reports minor violations of policy and no complaint is received, the Department shall not take disciplinary action against the officer.
 - 4) An officer shall be granted such amnesty once per each 180 days.
 - 5) If a complaint is received, the officer's self-reporting shall mitigate the discipline.
 - 6) Failure to self-report shall not be a basis for additional discipline.
- c. Routine audits of BWC recordings shall be used for maintenance and training purposes only and not for formal discipline, absent additional corroborating evidence or complaint, unless an act would be defined as criminal activity or civil rights violations. Protection from discipline as defined in this section shall not extend to an officer's failure to use BWC when required.
- 1) Monthly audits will be conducted by the Shift Lieutenant.
 - 2) The Shift Lieutenant will randomly view at least 4 BWC recordings belonging to officers and supervisors assigned to his/her shift. The Shift Lieutenant should not select a single officer's BWC recordings for consecutive months without specific, justifiable cause. Each officer and supervisor on the Lieutenant's shift should be selected at least every 6 months.
 - 3) The Shift Lieutenant shall document the audit on the Scranton Police Body Worn Camera Audit Form (SPD Form 18-007). The audit forms shall be forwarded to the Captain monthly. The audit forms shall be retained for the current and previous calendar year.
 - 4) The Shift Lieutenant is encouraged to view the video in the presence of the recording officer, discuss any positive or development issues found, and document corrective actions taken. The Lieutenant shall notify the recording officers via PowerDMS when their videos are audited.
3. Union review
- a. A union representative of the Fraternal Order of Police, upon the request to the Chief of Police, shall have the right to a copy of any video footage that will be utilized for disciplinary purposes. This copy may be shared with the FOP attorney.
 - b. If a copy of said video is provided for viewing it shall not be released and/or transferred to any other party, including the media, without the prior approval of the Chief of Police.

G. Access to BWC data

1. Officers may request a recording of an incident be recorded to DVD/storage media. The DVD/storage device will be secured and may be reproduced as described below in section H5.
2. In compliance with PA Rules of Criminal Procedure, Pretrial Discovery and Inspection (Title 234 Rule 573), a DVD/storage device may be reproduced and released to the District Attorney's office, or the recording(s) may be shared securely within Evidence.com. The Custodian of Recordings and the Prosecuting Officer shall ensure the correct recording is presented and properly identified.
3. Officers who receive a request/subpoena for BWC footage shall send the following information to the Custodian of Recordings via PowerDMS.
 - a. Incident/case number
 - b. Defendant/suspect first and last name
 - c. Date and time of the incident
 - d. Party requesting the information
4. In compliance with subpoenas served upon the Chief of Police in civil cases, a DVD/storage device may be reproduced. Only those portions of the recording relevant to the incident should be reproduced and furnished in compliance with the subpoena. The Custodian of Recordings shall ensure the correct recording is presented and properly identified.
5. When an officer believes that a recording has value as a training aide, they are encouraged to advise his/her supervisor. Upon approval of the Chief of Police, the recording may be reproduced for educational purposes. Approval will not be granted for any recording that documents an active investigation or ongoing litigation. The Chief of Police shall obtain consent from any officer depicted in a video that is to be utilized for educational purposes.
6. Upon approval of the Chief of Police, recordings may be reproduced for public information purposes.
7. Recordings may be reproduced by the Chief of Police or his/her designee in cases where the recording would be of use in any investigation or litigation involving Department personnel.
8. Pursuant to Act 22 of 2017 and Title 42 Pa.C.S Chapter 67A, public requests for audio and video recordings, made by the Scranton Police Department BWCs under the guidelines of this policy, shall be made in writing within 60 days of the date when the audio or video recording was made. The written request shall be made to the Chief of Police's Office at 100 S. Washington Ave. during normal operating business hours. Service of the request is effective upon receipt of the written request by the Chief's Office from personal delivery or certified mail with proof of service. Audio and video recordings requests will be processed pursuant to the guidelines established in Act 22 of 2017 and Title 42 Pa.C.S

Chapter 67A. Prior to releasing footage based on an Open Records requests the Chief of Police or his/ her designee shall review and redact any footage, where necessary, prior to release.

9. The Designated Custodian of the Recordings shall write a supplemental report to the requested case indicating what recordings were copied or shared with outside agencies, what media they were downloaded to, how many copies were made and who the copies were given to.
10. It shall be a direct violation of this policy for any officer or employee of the City of Scranton to release any video without the direct consent from the Chief of Police or his/her designee.

H. Storage of Data

1. The Scranton Police Department shall store BWC Data through automatic upload when the BWC is placed in the ETM docking station. The shift supervisor receiving the BWC at the conclusion of an officer's shift shall place the BWC on the ETM for recharging and uploading data.
2. Officers shall notify their supervisor if they receive notice that their BWC hard drive is almost full (available via Axon View App). Supervisors shall place the BWC on the ETM for upload of data.
3. All BWC recording data shall be stored in Evidence.com and stored at a minimum for a period of 90 days. Events tagged by category may be automatically stored for a longer period according to the tagged category. Any recordings tagged as evidence in cleared cases shall not be disposed of until the court proceedings and appeal periods of all known accused have expired, or upon prior approval from the Attorney for the Commonwealth. For convictions of criminal homicide, the appeal period shall be deemed to extend until the conclusion of the sentence or the death of all convicted accused in the same case. Officers will be required to notify the Designated Custodian of Recordings to extend the default retention period if the recording is required to be retained for court proceedings beyond the default retention period.
4. In civil cases against the Scranton Police Department or its personnel, notice shall be immediately provided to the City Law Department and the Designated Custodian of Recordings. Recordings shall be retained for a minimum of two years from the date of the incident and may not be destroyed without the permission of the City Law Department.
5. Requests for evidentiary recordings shall be made to the Designated Custodian of the Recordings. Reproductions of the DVD/storage device may be made for the officer for use in the preparation for prosecution of a case. The DVD/storage device will be provided to the issuing officer and the officer will maintain the DVD/storage device if required for court.

6. The Designated Custodian of the Recordings shall then write a supplement report to the requested case indicating what files were copied, what media they were downloaded to, how many copies were made and who the copies were given to.
7. In the event of an unintentional activation of the BWC system during non-enforcement or non-investigative activities (restroom or meal breaks), or in other areas where a reasonable expectation of privacy exists, officers may request that the Designated Custodian of the Recordings delete the recording. Notification shall be made via the chain of command to the Chief of Police. To be approved, the request for deletion requires two-party authorization. One of those parties will be the Chief of Police or his/her designee and the other will be an Agency Administrator.

By Order Of:

Chief Carl R. Graziano
Superintendent of Police
Scranton Police Department