



HATBORO POLICE DEPARTMENT
Hatboro, Pennsylvania

GENERAL ORDER 2.1.2

Subject

USE OF MOTOR VEHICLE RECORDERS AND BODY WORN CAMERAS

Date of Issue

April 12, 2019

Effective Date

April 12, 2019

Expiration Date

Subject to review as needed

PLEAC STANDARD Reference

2.1.2, 4.11.2

Amends

Rescinds

2018-01

Index Words

Video: Recordings, Act 22

Distribution

All Personnel

I. Purpose:

This policy is intended to provide officers with instructions on when and how to use motor vehicle recorders (MVRs) and body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law. This General Order shall comply with the requirements in (18 PA. C.S.) and Judicial Code (42 PA C.S.) Chapter 57 as amended in Act 22 (P.L. 304) section 67A07 regarding audio and video recording policies.

II. Policy:

It is the policy of this department that officers shall activate the MVR and 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. Violation of this policy shall subject the violator to the disciplinary action.

III. Definitions:

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.

File - All sounds, images, and associated metadata captured by body worn cameras and/or motor vehicle camera recorders.

IV. Procedure:

A. Administration

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

1. MVRs and BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The MVR and BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
4. MVR and BWC recordings permit enhanced evaluation of police conduct and professionalism.
5. MVRs and BWCs are extremely useful training tools, allowing a review of both exemplary police tactics and room for improvement.

B. When and How to Use the MVR and BWC

1. Certain police vehicles may be equipped with MVR equipment designed to activate manually and/or with the activation of emergency warning equipment or at certain speeds. MVR equipment may integrate with BWC equipment. MVR equipment shall be activated for all traffic stops, including DUI arrests or other arrests. Whenever possible, MVR equipment shall be focused to capture the interaction of suspect(s), citizen(s) and officers (i.e. field sobriety tests). Officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
2. Once Activated in accordance with this policy, officers shall not deactivate their BWC or MVC until:

- a. They have cleared a call; traffic stops or other assignment which required the use of a BWC or MVR in accordance with this policy.
 - b. In the case of an arrest, until the arrestee has been returned to the station and brought into the temporary holding area of the Hatboro Police Station or until the custody of the arrestee had been transferred to another officer or Police Department.
 - c. Their involvement in a citizen contact in the official performance of their duties has concluded.
 - d. they receive an order from a supervisor/OIC to do so.
3. After officers deactivate their BWC or MVR, they shall tag and ID the video using the appropriate designation. (See OP Order 2023-01 for instructions)
 4. Whenever feasible, officers should inform individuals that they are being recorded.
 5. If an officer fails to activate the MVR or BWC, fails to record the entire contact, or interrupts 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.

C. Procedures for MVR and BWC Use

1. MVR and BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are not in uniform must be clearly identifiable as a law enforcement officer in order to record inside a residence. Approved means to accomplish this requirement shall include: the officer identifying themselves as being a law enforcement officer while on camera; displaying a badge; or displaying department issued identification.
2. Officers who are assigned MVR and BWC equipment must use the equipment throughout their shift unless otherwise authorized by supervisory personnel.
3. Police personnel shall use only MVRs and BWCs issued by this department. The MVR and BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
4. Police personnel who are assigned MVRs and BWCs must complete an agency 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.

5. BWC equipment is the responsibility of individual officers using the equipment and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be provided, if available. Equipment malfunctions of vehicle mounted MVR equipment shall be reported as soon as practicable to the officer's supervisor.
6. Officers shall inspect and test the MVR and BWC prior to each shift to verify proper functioning and shall notify their supervisor of any problems found.
7. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner MVR and BWC recordings without prior written authorization and approval of the chief of police or his or her designee, except as otherwise provided in section J of this General Order.
8. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the chief of police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, MVR and BWC recordings are not a replacement for written reports.

D. Restrictions on Using the MVR and BWC:

MVRs and BWCs shall be used only in conjunction with official law enforcement duties. The MVR and BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the chief of police.
2. Encounters with undercover officers or confidential informants.
3. When on break or otherwise engaged in personal activities; or

4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E. Officer Access and Review

1. Officers may review BWC and MVR recordings prior to documenting an incident, arrest, search or other enforcement or investigative activity to ensure their reports, statements and documentation are accurate and complete.
2. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.

F. Storage

1. All files shall be securely uploaded periodically and no later than the end of each shift. Each file shall contain information related to the date, MVR and BWC identifier, and assigned officer.
2. All images and sounds recorded by the MVR and BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited, except as determined by the department's solicitor and Right to Know Officer.
3. All downloading, duplicating, copying and sharing of MVR and BWC files must be specifically authorized by the chief of police or his or her designee, except as otherwise provided in sections J of this General Order. All access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In murder and capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

G. 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 investigative 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 body worn cameras shall have completed prior training in the proper use of said technology.
3. Any additional data generated by facial recognition software or programs shall be managed in the same manner as the original body worn camera data.

H. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with MVR and BWC devices utilize them in accordance with the policy and procedures defined herein.
2. On a monthly basis, supervisors will randomly review a minimum of 4 MVR/BWC recordings utilizing the Axon Performance Module in Evidence.com. This will be done to ensure the equipment is operating properly, officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. Reviews for any given month should be completed in that same month.
3. In accordance with G.O 2.3.1, relating to Internal Affairs complaints, Supervisors may review officers BWC and MVR's recording to complete a thorough investigation of a personnel complaint when required.

I. Public Access to Policy

1. This policy shall be publicly available for inspection.

J. Dissemination and Requests for audio and video recordings.

1. Dissemination of audio and video recordings shall be in accordance with Pennsylvania Law, specifically Act 22 of 2017. It should be noted requests for law enforcement audio and video recordings are not covered under the Right to Know Law
2. Regarding requests for law enforcement audio recording or video recordings the following shall apply:
 - a. An individual who requests an audio recording or video recording made by a law enforcement agency shall, within 60 days of the date when the audio recording or video recording was made, serve a written request to the individual who is designated as the open-records officer for the law enforcement agency under section 502 of

the act of February 14, 2008 (P.L.6, No.3) known as the Right-to-Know Law. Service is effective upon receipt of the written request by the open-records officer from personal delivery or certified mail with proof of service.

- b. The request under paragraph (a) shall specify with particularity the incident or event that is the subject of the audio recording or video recording, including the date, time and location of the incident or event.
 - c. The request shall include a statement describing the requestor's relationship to the incident or event that is the subject of the audio recording or video recording.
 - d. If the incident or event that is subject of the audio recording or video recording occurred inside a residence, the request shall identify each individual who was present at the time of the audio recording or video recording unless not known and not reasonably ascertainable.
 - e. The Hatboro Police Department may establish reasonable fees relating to the costs incurred to disclose audio or video recordings. These fees shall be paid by the requesting party at the time of disclosure of the requested recording.
 - f. When the Hatboro Police Department receives a request for an audio recording or video recording, the department shall provide the audio recording or video recording or identify in writing the basis for denying the request within 30 days of receiving the request, unless the requester and law enforcement agency agree to a longer time period.
 - g. If the Hatboro Police Department determines that an audio recording or video recording contains potential evidence in a criminal matter, information pertaining to an investigation or a matter in which a criminal charge has been filed, confidential information or victim information and the reasonable redaction of the audio or video recording would not safeguard potential evidence, information pertaining to an investigation, confidential information or victim information, the department shall deny the request in writing. The written denial shall state that reasonable redaction of the audio recording or video recording will not safeguard potential evidence, information pertaining to an investigation, confidential information, or victim information.
3. In criminal cases, notice shall be provided to the prosecuting attorney of any request for BWC or MVC recordings.
 4. In criminal cases, BWC and MVR recording shall be provided to the Montgomery County District Attorneys office so they can comply with the PA rules of criminal procedure pertaining to pretrial discovery.

- 5. BWC and MVC recordings or any portion thereof may be disseminated to other law enforcement agencies upon their request when they contain any evidentiary value or would aid in the investigation and prosecution of offenses committed outside our jurisdiction.
- 6. BWC and MVC recordings or any portion thereof may be disseminated to other law enforcement agencies in order to further Hatboro Police Department investigations.

April 12, 2018
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James E. Gardner

Chief of Police

April 12, 2019
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James E. Gardner

Chief of Police

February 12, 2023
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James E. Gardner

Chief of Police

June 6, 2023
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James E. Gardner

Chief of Police

January 8, 2025

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Mark D. Ruegg

Chief of Police

September 30, 2025

Revised: _____

Mark D. Ruegg

Chief of Police