



SWOYERSVILLE BOROUGH POLICE DEPARTMENT	
SWOYERSVILLE, PENNSYLVANIA	
GENERAL ORDER	ORDER NUMBER
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Subject		
Equipment – Portable Audio/Video Recorders		
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§2.4.3.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices, namely, Axon Body Cameras, by officers of the Swoyersville Police Department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment (42 Pa.C.S. § 67A07).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at the Swoyersville Police Department, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

§2.4.3.2 POLICY

The Swoyersville Police Department shall provide officers with access to portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the department by accurately capturing contacts between officers of the department and the public.

A violation of this policy subjects the violator to discipline (see the Personnel Complaints Policy for additional guidance).

§2.4.3.3 COORDINATOR

The Chief of Police or the authorized designee shall designate a coordinator responsible for (42 Pa.C.S. § 67A07):

- a. The security, storage, and maintenance of data and recordings.

1. Storage shall comply with Pennsylvania State Police standards (18 Pa.C.S. § 5706).
 2. Server hardware shall be located in a secure area only accessible to authorized individuals and/or those who are in compliance with the Criminal Justice Information Services (CJIS) Security Policy, to ensure data integrity and prevent loss of data. Cloud storage by a reputable vendor, with reasonable security measures, is acceptable.
- b. Accessing data and recordings.
 - c. Logging or auditing access.
 - d. Transferring, downloading, tagging or marking events.
 - e. For the use of facial recognition software or programs operated through the Pennsylvania Justice Network (JNET) or PACIC.
 1. Operators of JNET Facial Recognition System (JFRS) shall have JNET training.
 - f. Approving recording devices for use by officers based on Pennsylvania State Police standards (18 Pa.C.S. § 5706).

§2.4.3.4 OFFICER PRIVACY EXPECTATION

All recordings made by officers on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

§2.4.3.5 OFFICER RESPONSIBILITIES

Prior to going into service, each uniformed officer will be responsible for making sure that he/she is equipped with a portable recorder issued by the department, and that the recorder is in good working order.

If the recorder is not in working order or the officer becomes aware of a malfunction at any time, the officer shall promptly report and document the failure to his/her supervisor (chain of command), and obtain a functioning device as soon as reasonably practicable. Officers shall wear body cameras above the midline of their torso, or otherwise notify persons that they are being recorded, whenever reasonably practicable. Officers shall not intentionally obscure the view of their body-worn cameras.

In the event the department secures non-uniformed positions, any officer assigned to a non-uniformed position may carry an approved portable recorder at any time the officer believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed officers should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a recorder, the assigned officer shall record his/her name, Swoyersville Police Department identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. (This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.)

Officers should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the officers deactivated the recording. Officers should include the reason for deactivation.

§2.4.3.6 ACTIVATION/USE OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Officers should activate the recorder any time the officer believes it would be appropriate or valuable to record an incident.

The recorder shall be activated in any of the following situations:

- a. All enforcement and investigative contacts including stops and field interview situations
- b. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- c. Self-initiated activity in which an officer would normally notify Luzerne County 911
- d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

The Axon Body Camera continuously records video in 30 second looped increments. This is sometimes known as a pre-event 30 seconds. Audio is not recorded until the officer begins a recording. Once the officer begins to record, the

previous 30 seconds of video is included in the evidentiary recording. The body camera has two operating modes:

Ready (Buffering)

Press the Power button until the officer feels a short vibration. The camera starts, emits two short rising-pitch tones with a long vibration and then enters Ready (Buffering) mode. When the camera is in Ready mode:

- The Camera Display shows READY.
- The Operation LED on top of the camera blinks green.
- The camera will be capturing video but does not record to permanent memory while in Ready mode. Buffered video duration is 30 seconds by default (00:00:30).

When Recording (Event) mode is activated, the buffered video captured directly before the event is saved and attached to the event in permanent memory. This feature is intended to capture the video of an incident just before a recording begins.

With default settings, the camera does not capture audio during camera buffering, so anything recorded in that mode will be video-only.

Ready mode starts only after the Axon Body Camera is turned on. The system does not record when the camera is turned off.

Recording (Event recording)

To begin recording, double-press the Event button on the camera.

Other events or actions can cause your camera to transition from Ready (buffering) to Recording mode. An example of this is if a device with Axon Signal technology broadcasts a signal.

When your camera starts recording, the camera emits 2 short tones and 2 short vibrations. The camera display shows the recording icon.

The camera now records audio as well as video. The buffered video captured directly preceding the event is saved and attached to the event recording (Note: With default settings, the buffered video does not contain audio). The moment Recording mode begins, both video and audio are recorded from the camera and GPS coordinates are recorded. This will continue throughout the duration of the recording until you stop the recording.

The camera provides you with indications that it is in Recording mode:

- The camera display shows STARTING and then the recording icon.
- The Operation LED on the camera blinks red.
- At the start of an event and every 2 minutes during an event, the camera emits 2 short tones and 2 short vibrations.
- To stop recording and return to Ready mode, Press and hold the Event button for 3 seconds. The camera will emit one long tone and vibrate once. The camera display shows SAVING and then READY. The Operation LED blinks green.
- To turn off the camera, press and hold the power switch for 3 seconds.

Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is an officer expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

Officers working off-duty employment in uniform shall wear their issued body cameras.

§2.4.3.6.2 CESSATION OF RECORDING

Once activated, the body camera should remain on continuously until the officer reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

§2.4.3.6.3 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Pennsylvania law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential. However, Pennsylvania law expressly exempts law enforcement from this prohibition during the course of a criminal investigation where certain requirements are met (18 Pa.C.S. § 5704). Nothing in this section is intended to interfere with an officer's right to openly record any interrogation.

Officers shall not surreptitiously record another officer without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

§2.4.3.6.4 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

§2.4.3.7 PROHIBITED USE OF PORTABLE RECORDERS

Officers are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Officers are also prohibited from retaining recordings of activities or information obtained while on duty, whether the recording was created with department-issued or personally owned recorders. Officers shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the department.

Officers are prohibited from using personally owned recording devices while on-duty.

Recordings shall not be used by any officer for the purpose of embarrassment, harassment, or ridicule.

§2.4.3.7.1 USE OF PORTABLE RECORDERS IN COURTROOMS

An officer should not activate a body camera in a courtroom during judicial proceedings except when the officer reasonably believes there is an actual or imminent emergency warranting activation while on-duty or while acting in an official capacity (201 Pa. Code Rule 1910).

Officers who activate a body worn camera in a courtroom shall notify the presiding judge as soon as practicable and within one business day provide a written report to the presiding judge and a supervisor. The report should include (201 Pa. Code Rule 1910):

- a. The circumstances surrounding the activation.
- b. The times of activation and deactivation.
- c. An explanation of the officer's actions.

Any use or dissemination of the recording is prohibited without the written approval of the president judge of the court.

§2.4.3.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, officers should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

An officer should transfer, tag or mark recordings when the officer reasonably believes:

- a. The recording contains evidence relevant to potential criminal, civil or administrative matters.
- b. A complainant, victim or witness has requested non-disclosure.

- c. A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- d. Disclosure may be an unreasonable violation of someone's privacy.
- e. Medical or mental health information is contained.
- f. Disclosure may compromise an undercover officer or confidential informant.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

Adding markers while recording

The Select button can be used to add a marker while recording video. The marker is shown when the video is replayed in Axon Evidence and documented in the audit trail. Markers are useful for indicating an important event that you want to easily find when replaying the video. To add a marker to a video while you are recording:

- Press and release the Select button within 1 second. The camera will vibrate once.

§2.4.3.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 180 days.

§2.4.3.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Digital evidence captured by the body worn camera shall be treated as an investigative record and handled pursuant to existing department policies and procedures.

§2.4.3.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, officers should review their recordings as a resource. However, officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing an officer's performance.

Supervisors shall review and document at least one randomly selected recording per quarter for each officer under their direct supervision to:

- a. Check that the assigned Axon Body Cameras are properly maintained and functioning.
- b. Check that the assigned body cameras are being used in accordance with policy.
- c. Identify recordings that may indicate additional training or guidance is warranted.

Recorded files may also be reviewed:

- Upon approval by a supervisor, by any officer of the department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- By media personnel with permission of the Chief of Police or the authorized designee.
- In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- Upon any use of force action, complaint, or critical incidents such as officer involved shootings.
- By others involved in the criminal justice system such as prosecutors, defense, or officers of the court, only with the knowledge and approval of the Chief of Police or designee.

All recordings should be reviewed by the Open-Records Officer prior to public release (see the Records Maintenance and Release Policy).

Public sharing of body camera footage at scenes is prohibited.

Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

The Chief will ensure a review by legal counsel for possible redaction of footage as allowed by statute.

§2.4.3.11 GRANT FUNDING

In order to ensure eligibility for grant funding for body-worn cameras from the Pennsylvania Commission on Crime and Delinquency, the Coordinator will be responsible for (42 Pa. C.S. § 67A07):

- a. Confirming that this policy and any other agency protocol or guidelines on the use of body-worn cameras comply with recommendations made by the commission, as applicable.
- b. Confirming that a copy of this policy and any other related protocol or guidelines are made available to the public on the department website and upon request as required by 42 Pa.C.S. § 67A07.

§2.4.3.12 TRAINING

Officers who use audio or video recording devices shall receive initial and periodic training on the operation of audio/video recording devices as well as this policy (42 Pa.C.S. § 67A07; 201 Pa. Code Rule 1910). As directed by the Chief of Police, officers identified as training personnel may review footage to identify officer safety or other training needs.

As resources allow, officers will attend BWC scenario-based training.

§2.4.3.13 STORAGE AND MAINTENANCE OF DEVICES

Officers shall be responsible for the secure storage of any assigned portable audio/video recording devices when not in use. At the end of each shift, officers should charge any assigned portable audio/video recording devices in accordance with manufacturer specifications and department training.

Maintenance and repair of portable audio/video recording devices shall only be performed at the direction of the coordinator or the authorized designee and in accordance with manufacturer specifications.

By the order of:

Chief Joshua Wolinsky

Joshua Wolinsky

Chief of Police

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