

# Tarentum Borough Police Department

Guideline: 5.1

Mobile Video/Audio Recorder

Effective Date:

Revision Date:

Issued by: William S. Vakulick, Chief of Police

## I. PURPOSE:

The purpose of this policy is to provide police officers with general guidelines on the use of the Mobile Video/Audio Recorder while on patrol as an effective tool to visually document incidents and events to the fullest possible extent as they actually occur. This policy is for departmental use only and does not apply in any criminal or civil proceeding. The department's policy should not be construed as a creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. It should serve as a general guideline which, under unusual circumstances, may warrant departure from an order to respond appropriately.

## II. POLICY:

The Tarentum Borough Police Department has adopted the use of the Mobile Video/Audio Recorder in an effort to increase officer safety, accurately document events, actions and conditions during arrest situations and critical incidents, traffic enforcement, criminal investigation, intelligence gathering, traffic surveys, investigation of suspicious activity, motor vehicle pursuit operations, and the prosecution of Vehicle Code and Crimes Code violations, so as to ensure the accuracy of reports, collection of evidence and testimony in court and the enhancement of this department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, as well as for officer evaluation and training. As used in this policy, download shall mean a DVD, flash drive or any other media used in conjunction with a Mobile Video/Audio Recorder.

## III. PROCEDURES:

### A. OFFICER'S RESPONSIBILITIES:

1. At the beginning of each Officer's scheduled shift, he is to ensure that the Mobile Video/Audio Recorder is on, in working order. When an officer records any evidence of a crime or other significant event, he shall submit a download request form to the Chief of Police. That download shall be saved until it is no longer needed for evidentiary reasons.

Types of events that trigger a download request form:

- \*Traffic and Criminal Enforcement Stops
- \*Vehicle and Crimes Code violations
- \*Police vehicle pursuits
- \*Patrol vehicle travel and movements when emergency lights are on or siren is activated
- \*Fatal crash or major crime scenes as necessary to document the scene
- \*Pat downs
- \*Obtaining consent to search
- \*The search incident to arrest
- \*Field sobriety tests/DUI stops
- \*Any other event that the officer deems as significant

2. Officers shall note in their incident reports when video recordings were made during the incident in question and shall include the date and time.
3. Officers shall also inform the ranking officer in charge of training of any recorded sequences that may be of value for training purposes.
4. Malfunctions of the Mobile Video/Audio Recorder shall immediately, or as soon as practical, be brought to the attention of the officer assigned to manage the Mobile Video/Audio Recorders and recorded on a incident in the Police Reporting System.
5. Officers should utilize the Mobile Video Recorder to record activities associated with their job duties and responsibilities whenever possible. During an incident, the Mobile Video Recorder should not be deactivated until the enforcement action or incident is completed. If it is, and a question should arise as to why, you shall be expected to articulate the reason(s).
6. Officers shall not attempt to change any function or controls on the video recording unit for which they have not been trained including, but not limited to: date, time, recording speed, etc.

B. AUDIO RECORDING ABILITY:

1. Pa.C.S. Title 18, §5704 ss 16, permits State and Municipal Police Officers to record oral communications during traffic stops and other police incidents occurring in a public place using approved Mobile Video/Audio Systems.
2. A law enforcement officer, whether or not certified under section 5724 (relating to training), acting in the performance of his official duties may intercept and record an oral communication between individuals in accordance with the following:
  - a. At the time of the interception, the oral communication cannot occur inside the residence of any of the individuals.  
The microphone must be disabled from audio and video recording inside of a residence, if your camera is activated when you enter a residence.
  - b. At the time of the interception, the law enforcement officer:
    - i. is operating the visual or audible warning system of the law enforcement officer's vehicle authorized by 75 Pa.C.S. §4571 (relating to visual and audible signals on emergency vehicles) or is clearly identifiable as a law enforcement officer;
    - ii. is in close proximity to the individuals' oral communication;
    - iii. is using an electronic, mechanical or other device which has been approved under section 5706(b)(4)(relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices) to intercept the oral communication, the recorder of which is mounted in the law enforcement officer's vehicle; and
    - iv. informs, as soon as reasonably practicable, the Individuals identifiably present that he has intercepted and recorded the oral communication. The notification should be very plain

and clear, such as "Our words and actions are being recorded".

- c. As used in this policy, the following words and phrases shall have the meanings given to them below:

"Law enforcement officer." A member of the Pennsylvania State Police or an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21D (relating to municipal police education and training).

"Recorder." An electronic, mechanical or other device used to store an oral communication on tape or on some other comparable medium.

- 3. Each vehicle equipped with a Mobile Video/Audio Recorder will have a notification posted such as "YOUR ACTIONS AND WORDS ARE BEING RECORDED" on the protective cage or side window area to alert rear passengers.

**B. SUPERVISORY RESPONSIBILITIES:**

- 1. In the event a malfunction is brought to the attention of a ranking officer, he shall, as soon as practical, notify the proper person for repairs to be made.

**C. DOWNLOAD CONTROL AND MANAGEMENT:**

- 1. All downloads are the property of the Tarentum Borough Police Department and as such are considered official records and/or evidence of the department. No one shall tamper with or alter any recorded events.
- 2. Mobile Video/Audio Recorder downloads containing information that may be of value for case prosecuting or any criminal or civil adversarial proceeding, shall be safeguarded as evidence and stored as such.
- 3. The contents of Mobile Video/Audio Recorder disks may be considered "Investigative and/or Intelligence" in nature and as such are for departmental use only and are not open to random inspection or review. Copies of Mobile Video/Audio Recorder disks shall not be released to anyone with the exception of the District Attorney's Office or another Criminal Justice Agency and only with prior approval of the OIC or the Chief of Police. Any cost of duplication shall be the responsibility of the requesting agency. If an action is recorded and DOES NOT involve a member of our department, the original Mobile Video/Audio Recorder disk of the incident, with approval of the OIC or the Chief of Police, may be turned over to a supervisor of the department/agency in question and documented on a incident in Visual Alert.

4. The review, removal or forwarding of Mobile Video/Audio Recorder footage by members of the police department is strictly prohibited. Only the Chief of Police is permitted to view footage, as needed. Any requests for downloads needs to be submitted for approval on attached official department request form.

**Tarentum Borough Police Department  
Video Surveillance Request Form**

All video is the property of the Tarentum Borough Police Department and the release of any video footage is subject to all Federal and Commonwealth of Pennsylvania Laws.

**Date:** \_\_\_\_\_

**Requestor name:** \_\_\_\_\_

**Department or Agency:** \_\_\_\_\_

**Date of incident/ Incident #:** \_\_\_\_\_

**Time frames: Start time:** \_\_\_\_\_

*End time:* \_\_\_\_\_

**Reason for request:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By signing below I agree that the above statement is true and request that the Tarentum Borough Police Department release the video surveillance requested. I also take full responsibility for the security of the video surveillance released to me and will not distribute to any outside party.

**SIGNATURE** \_\_\_\_\_

**PRINT NAME** \_\_\_\_\_

**TITLE** \_\_\_\_\_

**DATE** \_\_\_\_\_

**APPROVED** \_\_\_\_\_

**TITLE** \_\_\_\_\_

**DATE** \_\_\_\_\_

