



**LEWISTOWN POLICE DEPARTMENT**  
**Lewistown, Pennsylvania**

**GENERAL ORDER 7.4**

**Subject**

**Body Worn Cameras**

**Date of Issue**

**Effective Date**

**Expiration Date**

**01/06/2021**

**01/06/2021**

**Until Amended / Rescinded**

**PLEAC STANDARD Reference**

**2.4.2**

**Amends**

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**G.O. 7.4.1 revised 03/17/2022**

**All Prior Policy**

**Index Words**

**Distribution**

**All Officers**

**This order consists of the following sections:**

**7.4.1 Goals and Responsibilities**

**7.4.2 Legal Requirements**

**7.4.3 Procedures**

**7.4.4 Access and Retention**

**I. Purpose**

This policy establishes guidelines and procedures for the utilization of Lewistown Police Department (LPD) Body Worn Camera (BWC) equipment, and the retention, duplication, storage, and purging of recordings made from LPD BWC equipment. Additionally, this policy outlines the procedures to be followed by LPD officers and the LPD BWC Custodial Officer for the retention, duplication, storage and purging of recordings.

**II. Policy**

It shall be the policy of the Lewistown Police Department that all personnel adhere to the provisions of this general order.

**7.4.1 Program Goals and Responsibilities**

The use of BWC equipment enables the LPD to accomplish many objectives including, but not limited to, the following:

- a. Enhance officer safety
- b. Collection of Evidence
- c. Enable officers to more accurately document events, actions, conditions, and statements made during incidents.
- d. Enhance the ability of officers to prepare reports and present court testimony.
- e. Improve the training capabilities of the LPD
- f. Enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio and video recordings.
- g. Protect the LPD and its officers from civil liability resulting from wrongful accusations of misconduct.
- h. Provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.

### **Duties and Responsibilities**

#### **A. Chief of Police:**

1. Ensure all BWC training is conducted in accordance with the provisions of this policy and that an annual review of the BWC program and policy is conducted.
2. Ensure all LPD officers are trained on current policy and proper use of BWC equipment.
3. Ensure that a BWC Custodial Officer is appointed.
4. As per policy, ensure a sufficient number of BWC recordings are reviewed each month by the BWC Custodial Officer and the Chief of Police to confirm that officers are following LPD policies and procedures.
5. Ensure strict accountability of BWC equipment and review the performance of the department BWC Custodial Officer.

#### **B. Administrative Officers:**

1. Ensure officers use BWC's in accordance with department policy and procedure.
2. The Custodial Officer/Chief of Police shall review, at a minimum, the following recordings:
  - a. Any injury to an officer
  - b. Any injury or alleged injury to an actor
  - c. Any vehicle or foot pursuit
  - d. Any use of force incident greater than handcuffing
  - e. Any complaint filed against an LPD officer.
3. The Custodial Officer/Chief of Police shall review at least **one (1) BWC recording from**

**every officer**, outside of the ones listed in #2 above, per month. 03172022

C. BWC Custodial Officer:

1. Provide assistance to LPD officers regarding the proper use of BWC equipment.
2. Duplicate, store, and purge recordings made from BWC equipment in accordance with this policy.
3. When advised of damaged or malfunctioning BWC equipment, ensure that authorized repairs are made in a timely manner.
4. Randomly review, on a monthly basis, BWC files to ensure the equipment is operating properly and that officers are using BWC equipment appropriately and in accordance with this regulation, and to identify any areas in which additional training or guidance is required.
5. Upon discovery or via notification from a Patrol Supervisor, the BWC Custodial Officer shall investigate any violations of this policy/procedure. The BWC Custodial Officer shall report his/her findings to the Chief of Police for review.
6. Conduct an annual inspection of all BWC equipment.
7. Arrange for the warranty and non-warranty repair of BWC units.
8. Maintain BWC equipment.
9. Update software and system settings as necessary.
10. **Review and make necessary redactions on any video prior to release from Department custody.**

D. Officers:

1. Utilize BWC equipment in accordance with this policy. Only Department owned BWC equipment may be utilized.
2. Inspect assigned BWC equipment at the beginning of their shift to ensure there is no visual damage and the BWC equipment is in working order.
3. **If utilizing an unassigned BWC it shall be logged out prior to use. The BWC shall be logged back in and docked upon completion of use.** 032122
4. Immediately report any damage or technical issues regarding BWC equipment to the BWC Custodial Officer.
5. Document BWC recordings for appropriate retention according to this policy and state law. If the BWC is equipped, videos shall be tagged according to category of event (ie. Summary, Misdemeanor, Felony, etc. refer to 7.4.4 Access and Retention)
6. Utilize the Duplication/Retention form (Attachment A) to request the BWC Custodial Officer duplicate a recording made with the BWC equipment, in accordance with this policy.

Note: It is not the intent of the LPD to review BWC recordings for the purpose of general performance review or to initiate disciplinary proceedings. The Chief of Police and BWC

Custodial Officer may access BWC recordings for administrative investigations. Other than required monthly reviews, the scope of the review of BWC recordings shall be limited to specific complaint against the officer. Inadvertent discovery of other allegations during this random review requires the Chief of Police and/or BWC Custodial Officer to articulate the purpose of expanding the scope of the review. 03172022

### General Considerations

- A. Any and all data and recordings created by the BWC equipment are the exclusive property of the Lewistown Police Department and will be subject to the LPD policies regarding the viewing, release, retention, and destruction of such evidence.
- B. Video footage obtained from BWC's may not depict everything in an officer's field of vision at the time of an incident. Additionally, everything depicted on video footage may not have been seen by the officer at the time of the incident.
- C. Officer safety takes precedence over recording events and shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

### 7.4.2 Legal Requirements

- A. The General Assembly of Pennsylvania Senate Bill No. 560, Session of 2017 was signed by Governor Tom Wolf on July 7, 2017 and took effect on September 5, 2017. This bill amended Titles 18 and 42 of the Pennsylvania Consolidated Statutes in wiretapping and electronic surveillance.

The definition of "oral communication" in section 5702 of Title 18 of the Pennsylvania Consolidated Statutes was amended to read the following:

"Oral Communication." Any oral communication uttered by a person possessing an expectation that such communication is not subject to interception under circumstances justifying such expectation. The term does **NOT** include the following:

1. An electronic communication.
2. A communication made in the presence of a law enforcement officer on official duty who is in uniform or otherwise clearly identifiable as a law enforcement officer and who 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 communication in the course of law enforcement duties. As used in this paragraph only, "law enforcement officer" means a member of the Pennsylvania State Police, an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training), a sheriff or a deputy sheriff.

### 7.4.3 Procedures

- A. Officers shall not utilize BWC equipment until they have received the appropriate training administered by the BWC manufacturer and/or LPD. The Chief of Police, or designee, shall be responsible for coordinating training and remedial training for the BWC equipment and related policies.

- B. Officers shall ensure all required preoperational procedures are performed in accordance with the manufacturer's guidelines.
- C. BWC's shall be worn above the midline of the torso and in a position designed to produce an effective recording.
- D. Operational problems with BWC equipment shall be immediately reported to the BWC Custodial Officer. The following information shall be provided:
  - 1. BWC Number.
  - 2. Nature of the problem.
- E. Training, user, and troubleshooting information for the Body Worn Camera System shall be available via the manufacturer's manual.
- F. At the beginning and end of their shift, officers utilizing a BWC shall complete any login or logoff feature allowed by the BWC.
- G. Any violation of this policy shall subject the violator to disciplinary action.

### **Operational Procedures**

- A. Utilization: Officers **should** activate their BWC to record all contacts with citizens while in the performance of official duties. Officers shall utilize both the video and audio recording functions of the BWC equipment whenever it is employed, except where/when exempted by this policy or state law. **BWC may be used as an in-car dash cam utilizing windshield mounts supplied by the Department. The use of a windshield mounted BWC system shall be governed by all of the regulations provided in this policy.** 032122

Officers, including primary, secondary and assisting officers, shall start, when safely able to do so, their BWC recordings when an emergency response call is initiated via radio or communication from Mifflin County Emergency Communication Center, or at the beginning of any self-initiated police action. For non-emergency response, Officers shall activate their BWC upon arrival at the scene, if not sooner.

Officers using a BWC shall endeavor to record the following types of incidents:

- 1. Traffic and criminal enforcement stops/calls for service.
- 2. In-progress Vehicle and Crimes Code violations.
- 3. Police foot and vehicle pursuits.
- 4. Detentions, investigations pursuant of an arrest, arrests, suspect interviews, and post-Miranda interrogations.
- 5. Field interviews, interrogations, and intoxication testing.
- 6. Patrol vehicle travel and movements when emergency lights and/or siren are activated.
- 7. Fatal crash or major crime scenes, as necessary, to document the scene.
- 8. Traffic safety and sobriety checkpoints, at the discretion of the checkpoint supervisor.

9. Prisoner transports.  
Note: Transports of individuals other than prisoners may be recorded at the discretion of the transporting officer.
10. Searches of vehicles and/or persons  
Note: This shall exclude strip and body cavity searches.
11. Execution of search warrants
12. Consent searches
13. Lewistown Ordinance violations.
14. Any other incident the officer deems appropriate while acting in performance of their official duties.
  - a. Although not required by law, officers utilizing a BWC may inform individuals identifiably present that audio and video recording equipment is being utilized and their actions are being recorded.
  - b. Officers shall not use BWC equipment unless acting in the performance of their official duties.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental accidents), a supervisor shall respond to the scene, take custody of the BWC and equipment, and ensure the recorded media is downloaded via the docking station. If no supervisor is working, a supervisor, Executive Officer or Chief of Police shall be summoned to the scene. A replacement BWC will be provided to the involved officer if he/she is still fit for duty. The BWC Custodian shall be notified as soon as practicable and a duplication of the recording shall be made.

- B. Operational Requirements: Officers shall abide by the following requirements governing the use of BWC equipment:
1. Notwithstanding the exemptions contained within this policy or state law, when the BWC system has been activated to record an incident, the system shall not be turned off until the incident has been completed unless a detailed investigation would be compromised. An example would include a member of the public refusing to speak with you while utilizing a BWC. Upon conclusion of the incident, the officer should record a short statement that the incident has been completed. Officers are encouraged to narrate the video recording during a recorded incident to aid in establishing probable cause for enforcement action and assist in report writing.
  2. Should either the video or audio portion of the BWC system fail while the BWC unit is in use, the officer shall report the problem/failure to the BWC Custodial Officer in accordance with this policy and, when practical, shall endeavor to remove the affected BWC from service and obtain a BWC that is fully functioning. The appropriate investigative report/citation shall also be annotated with the fact that the BWC system failed to function properly.
  3. With the exception of police radios, officers shall ensure that the volume from other electronic devices (AM/FM radio) within the police vehicle does not interfere with the BWC equipment, specifically the audio portion.
  4. Upon completion of their assigned shift, officers shall:

- a. Ensure the BWC is turned off and placed in the docking station located in the patrol equipment room of the LPD.
- b. Officers shall not remove the BWC equipment from the docking station while downloading.

Note: In order to avoid unnecessary recording, officers shall utilize the “stop record” function upon completion of an incident. Officers shall take steps to ensure the BWC system does not inadvertently record unnecessary audio/video (e.g. ground/sky) during the course of their shift.

5. Officers may place the BWC system into “Stealth Mode” in order to enhance officer safety during incidents where the LCD screen would identify the officer’s position. The use of the “Stealth Mode” of operation is only to be used if the officer’s safety is compromised.
6. **In a situation where a person is present that utilizes a speakerphone, the officer shall notify the party on the speakerphone that they are being recorded.**
7. Officers shall not allow non-sworn personnel to view the BWC recordings without permission from the Chief of Police. Sworn and non-sworn Lewistown Police Department employees who are directly involved in the investigation and/or prosecution of a criminal case related to the digital evidence are exempted from this restriction. An FTO may review video of their trainee for training purposes.
8. Officers will ensure that all care is taken to prevent unauthorized persons from viewing the digital recordings. Any unauthorized use of the recordings will subject the officer to disciplinary action. This includes, but is not limited to, the uploading or converting of the digital evidence for posting to any type of social media without the express permission of the Chief of Police.

### **Additional Procedures**

1. Any officer who intentionally disables or damages any part of the BWC system or who fails to follow the regulations of this policy without a justifiable reason, will be subject to criminal and/or internal disciplinary action, up to and including dismissal.
2. Officers shall notify their shift supervisor and the BWC custodial officer of any visually sensitive material, to include but not limited to nudity/sexual acts, accidents or scenes with significant injuries or death, etc.
3. Officers shall not erase, delete, or otherwise alter any video/audio recorded on BWC equipment.
4. Officers shall not duplicate, copy, or otherwise possess any such data or recordings for any personal reason.
5. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as video camera, cell phone or other device to record or capture digital evidence from a BWC device and/or digital evidence storage is strictly prohibited.
6. Officers shall not intentionally activate the BWC to record conversations of fellow employees or other officers without their knowledge during routine, non-enforcement related activities.

### **Exemptions to Audio and/or Video Recording**

There may be occasions when an officer is unable to activate, or may determine that it is necessary to temporarily deactivate the audio and/or video recording function on a BWC. Officers shall be prepared to articulate their rationale when exercising this discretion. In cases where it is necessary or prudent to temporarily suspend an audio and/or video recording, the officer shall, when reasonable, declare on the recording the reason for suspension of the recording prior to deactivation. Upon reactivation of the recording, the officer shall state that the recording shall resume. Situations when audio and/or video recordings shall not occur include, but are not limited to:

1. When interacting with a victim or witness who refuses to cooperate if the BWC is recording. If possible, a request to deactivate the recording should be captured prior to camera deactivation.
2. Protecting the anonymity of an informant or other confidential source of information.
3. Officer safety concerns
4. Administrative conversations.
5. Conversations involving sensitive law enforcement information (eg. Criminal History information or law enforcement tactics).
6. Privacy during an attorney/client conversation
7. Encounters with undercover officers.
8. Any location within the LPD where individuals have a reasonable expectation of privacy, such as a restroom, locker room, patrol room, administrative offices, clerical area or break room.
9. When a patient is receiving a medical or psychological evaluation by a clinician or similar professional, or during treatment. Although recording within a medical facility is not recommended, but if deemed necessary, officers shall be careful to avoid recording individuals not related to the incident being investigated.
10. While engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, officer trained as a police peer counselor, labor representative, minister, etc.).

### **Accidental Recordings**

- A. In the event of an accidental activation of their BWC where the resulting recording has no investigative or evidentiary value, the officer may submit a deletion request to the Chief of Police, or designee, for review and tracking.
- B. Officers shall ensure the request contains sufficient information (e.g., date, time, BWC number) to locate the recording.
- C. The Chief of Police, or designee, shall review accidental recordings and determine whether or not the recording had an official purpose, or should otherwise be retained pursuant to this policy. If the recording had no official purpose, and if this policy does not otherwise require the retention of the recording, it may be deleted. An audit log on the history of every recording will be maintained in the storage system. If the Chief of Police's designee reviews a recording and determines it should be deleted, the decision to delete will remain at the

discretion of the Chief of Police.

### **Review of Body Worn Camera Recordings**

- A. Officers shall be allowed to review the recordings from their BWC equipment at any time. To help ensure accuracy and consistency, officers are encouraged to review BWC recordings prior to preparing reports, testifying in court and for training purposes.
- B. If the officer is giving a formal statement about use of force, or if the officer is the subject of a disciplinary investigation, the officer shall have the option of reviewing the BWC recordings in the presence of the officer's attorney or union representative and shall have the right to review BWC recordings from other BWC equipment capturing the officer's image and/or voice during the underlying incident.
- C. In the event that an officer has been, or will likely be charged with a crime, the involved officer shall not be afforded the right to review any BWC footage recorded by LPD BWC equipment.
  - 1. **Deadly Force/Critical Incident**  
In an attempt to determine the unadulterated thought process and feelings perceived by the officer at the time of the critical incident, officers may view their BWC recordings related to the incident after being interviewed.

#### **7.4.4 Access and Retention**

- A. Evidentiary copies of digital recordings will be accessed and copied from the digital storage source using department-approved equipment and for official law enforcement purposes only. The contents of BWC audio and video recordings are considered "INVESTIGATIVE" and/or "INTELLIGENCE" in nature and as such are for Department use only and are not open to random inspection or review.
- B. Copies of BWC audio and video recordings will not be released to anyone outside of the Department with the exception of the Mifflin County District Attorney's Office or another Criminal Justice Agency and only with prior approval of the Chief of Police, or as deemed subject to disclosure under 42 Pa.C.S. Chapter 67A (referring to public requests for audio or video recordings by a law enforcement agency). Any cost of duplication will be the responsibility of the requesting agency.
- C. Any dissemination of a recording will be governed by current statute as well as guidance provided by the Mifflin County District Attorney's Office and will only be released with the approval of the Chief of Police or his/her designee on a case-by-case basis.

### **Requests for Recordings**

- A. Requests for recordings are not subject to the Right to Know Law.
- B. Requests for recordings must:
  - 1. Be made within 60 days of the date they were created,
  - 2. State with particularity the incident requested, including date, time and location, and the relationship of the requester to the incident,
  - 3. Identify each individual present, if known or reasonably ascertainable, if the recording is

made inside a residence.

- C. Requests are to be made to the Chief of Police
  - 1. The Chief of Police will respond to the request within 30 days of the receipt of the request.
  - 2. Requests will be denied if the recordings contain potential evidence in a criminal matter, information regarding an investigation, confidential information or victim information, or are a matter in which criminal charges have been filed. If the Chief of Police intends to disclose this information, he/she must first get the written agreement of the Mifflin County District Attorney's Office.
- D. Appeals for denials are not heard by the District Attorney's Office. The requester must file a petition for review to the Court of Common Pleas within 30 days of the denial.

### **Mandatory Duplication/Retention of Body Worn Camera Recordings**

- A. **Mandatory Duplication/Retention:** Recordings made from BWC equipment of incidents which may result in the filing of misdemeanor or felony charges and/or incidents which are likely to become the subject of civil litigation against LPD or its personnel including, but not limited to, patrol vehicle crashes, incidents involving use of force, and incidents involving verbal complaints against LPD or its personnel shall be duplicated, retained, and processed as evidence by the BWC Custodial Officer in accordance with this regulation, as soon as practicable. Officers are responsible for notifying the BWC Custodial Officer of these recordings and the need for duplication and retention.
- B. **Recording Medium:** Recordings made from BWC equipment may be duplicated/retained on any of the following types of recording mediums:
  - 1. Non-rewritable compact disc (CD).
  - 2. Non-rewritable digital video disc (DVD), to include dual-layer and Blu-ray.
  - 3. Universal Serial Bus (USB) drives.

NOTE: Recordings over 1½ hours in length may need to be downloaded to an 8 gigabyte or greater USB, Blu-ray disc, or dual-layer DVD.
- C. A recording captured on BWC equipment will be retained for 90 days following the date the recording was created, or if a request for a recording pursuant to the procedures established in Chapter 67A of Title 42 is received, until the final disposition of the request or the expiration of the time periods allowed for the seeking of judicial review.
- D. All non-evidential recordings uploaded to the data storage system will be automatically deleted 90 days after the date of the recording. Therefore, non-evidential recordings required to be duplicated/retained in accordance with this regulation must be duplicated within 90 days of the incident/recording. A request for duplication/retention of a non-evidential recording that has not been preserved after the automatic 90-day deletion period cannot be processed.

### **Duplication/Retention of Body Worn Cameras**

In addition to a record request pursuant to the procedure established in 42 Pa.C.S. Chapter 67A (referring to public requests for audio or video recordings by a law enforcement agency), the

Lewistown Police Department will honor requests for the retention of recordings in the following circumstances:

A. BWC Custodial Officer shall ensure the following types of recordings made from BWC equipment are duplicated and stored in accordance with this policy:

1. A recording requested to be preserved by an officer appearing on the recording, an officer investigating a violation of law, or a police supervisor, where the recording may be necessary for use in any criminal or forfeiture proceeding. The following offense retention categories shall be utilized:

Summary – will be retained on the system for 6 months.

Misdemeanor – will be retained on the system for 3 years.

Felony - will be retained on the system for 10 years.

Evidential – Retained in the system indefinitely.

If any of the above recordings are duplicated onto a separate medium outside of the BWC computer storage system and entered into evidence, the recording may be deleted from the BWC computer storage upon completion of any court proceedings and applicable appeals period.

2. A recording requested to be preserved by an officer appearing on the recording or a police supervisor where the recording may be necessary for use in any summary proceeding involving a serious traffic violation. The preserved recording shall be destroyed 90 days from the conclusion of all proceedings related to the offense.
3. A recording requested to be preserved by a police supervisor, the Chief of Police, or the Lewistown Borough Solicitor, where the recording may be necessary for use in any civil, administrative, or disciplinary proceeding. The preserved recording shall be retained until destruction is authorized by the requester.
4. A recording requested to be preserved by any individual who is a participant on the recording for use in any criminal proceeding. Such requests must be in writing, and should contain the date, time and location of the recording, and the names of the parties involved.
5. A recording requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding against the LPD or its personnel. Such requests must be in writing, and should contain the date, time, and location of the recording, and the names of the parties involved. Notice of the request shall be immediately provided to the Lewistown Borough Solicitor. The duplicated recording shall be retained for a minimum of two years from the date of the incident and shall not be destroyed without the permission of the Lewistown Borough Solicitor.
6. A recording requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding that is not against the LPD or its personnel. Such requests must be in writing, and should contain the date, time, and location of the recording, and the names of the parties involved. The recording shall be duplicated and retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under LPD regulations, whichever comes first. When a recording has been duplicated, the requester shall be notified.
7. A recording that is the subject of a subpoena, court order, or request by the District Attorney's Office for pretrial discovery or inspection. Copies of the recording shall be

furnished to the requester in accordance with existing LPD regulations.

- a. In criminal cases, notice shall be provided to the prosecuting attorney.
  - b. In civil cases against the LPD or its personnel, notice shall be immediately provided to the Lewistown Borough Solicitor. The duplicated recording shall be retained for a minimum of two years from the date of the incident and shall not be destroyed without the permission of the Lewistown Borough Solicitor.
  - c. In civil cases not against the LPD or its personnel, the recording shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under LPD regulations, whichever comes first.
8. A recording requested to be preserved by an officer, police supervisor, and/or Chief of Police for training purposes. The recording shall be duplicated and provided to the requester, who may retain the recording indefinitely. The Chief of Police must approve this request.
9. A recording requested by the Chief of Police to be preserved for any purpose authorized by law. The recording shall be duplicated and provided to the requester, who may retain the recording for the period authorized by law.
- B. The BWC Custodial Officer shall complete the appropriate supplemental report when a recording is duplicated or when duplication is attempted and unsuccessful. If duplication is unsuccessful, an explanation shall be included in the supplemental report.
- C. Duplicated recordings shall be retained for the appropriate time period in accordance with this policy as determined by the LPD Evidence Custodial Officer.

### **Body Worn Camera Recording Storage**

- A. The LPD Evidence Custodial Officer shall maintain a securable locker/storage area for CD's/DVDs/USBs containing BWC recordings.
- B. Each CD/DVD containing a duplicated recording made from BWC equipment shall be clearly labeled with the incident number, date of duplication, and signature of the person producing the duplication. If an incident number is not assigned, the date and description of the type of video (e.g., traffic stop/citation) will be provided. The CD/DVD shall be labeled using a fine-tip permanent marker (e.g., Sharpie) and placed into a protective CD/DVD sleeve/case or property envelope.
- C. Each USB drive containing a duplicated recording made from BWC equipment shall be placed into and sealed in an appropriate-sized property envelope. The envelope containing the USB drive shall be clearly labeled with the incident number, date, and type of incident using a fine-tip permanent marker (e.g., Sharpie).
- D. Once properly labeled and packaged by the Custodial Officer, each CD/DVD/USB containing a recording required to be maintained pursuant to this policy, shall be placed in a locker in the temporary property storage area until the Custodial Officer can enter it into the secure locker/storage area.

### **Facial Recognition Software or Programs**

If facial recognition software or programs are developed which interface with the Department's BWC's, prior to the implementation or use of such software or programs, the Department will establish policies and procedures relating to the use of facial recognition software and programs

which are in accordance with applicable law and regulation, and which will be limited to any specific software or programs which may be approved by the Pennsylvania State Police. **Only personnel specifically trained to use Facial Recognition Software will be allowed to access and use Facial Recognition Software. Facial Recognition Software will only be used to develop possible candidates for further investigation. Additional investigation is required to confirm or eliminate possible candidates. The identification of possible candidates via facial recognition shall not be used as a positive identification.**

**III. Effective: 01/06/2021**

**By order of:**

**David K. Clemens  
Chief of Police**