The Allegheny County Chiefs of Police Association

MODEL
MOBILE VIDEO RECORDER
PROCEDURES

An Allegheny County Criminal Justice
Advisory Board Project

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In Partnership With

The Allegheny County District Attorney's Office

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Summary of Model Mobile Video Recorder Policy Development

On July 7, 2017, Act 22 of 2017 was signed into law, amending the Wiretap Act, the Right to Know Law, and the Judicial Code. Act 22 can be found at 18 Pa.C.S. § 67A01 *et seq*., and its effective date is September 5, 2017. Act 22 requires that law enforcement agencies establish written policies for police audio and/or video recordings which shall be public. The scope of Act 22 includes Mobile Video Recorders, Body Worn Cameras, and other recordings. The highlights of Act 22 are as follows:

1. Act 22 revises the definition of "Oral Communication" in 18 Pa.C.S. §5702 of the Wiretap Act to specifically exclude communications 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 as set forth in the Act. Consequently, the following are no longer applicable to police recordings:
   a. The prohibition on recording inside a residence;
   b. The requirement for police to inform of the recording; and
   c. Civil and/or criminal penalties contained within the Wire Tap Act;
   d. Right to production of recordings made inside a facility owned or operated by a law enforcement agency.
2. Requests for police recordings and agency responses will no longer be made pursuant to the Right to Know Law, 65 P.S. §67.101, *et seq*. Any requests for audio/video recordings made by law enforcement officers will now be governed by Act 22. Requests for police recordings must be made in writing and served upon the department's Open Records Officer within (60) days of the recording, stating the date, time, location of the incident and the requestor's relationship to the recording. You should review and revise your audio/video recording retention policies to insure that you have the ability to respond to requests made on the last day. Additionally, you must retain recordings during any appeal periods from denial of requests.
3. An agency may establish reasonable fees relating to the costs incurred to disclose audio/video recordings. The fees shall be paid by the requesting party at the time of disclosure of the recording. There is no right to production of recordings (e.g. interviews/interrogations) made inside a facility owned or operated by a law enforcement agency or to any communications between or within law enforcement agencies concerning an audio or video recording. An agency may redact recordings in order to protect potential evidence in a criminal matter, information pertaining to an investigation, confidential information or victim information. Audio and video recordings must be redacted when only part of the recording is shielded from disclosure. Recall that in PSP v. Grove, the PA Supreme Court found that partial redaction was required (though this opinion was written based on the "Right to Know Act," just prior to Act 22's enactment).
4. Act 22 allows a police department to enter into a Memorandum of Understanding (MOU) with the District Attorney's Office for the purpose of consultation on the decision of whether or not to release a recording, as well as the District Attorney's assumption of responsibility for the decision to deny a request and defending that decision. Whether or not an MOU is in place, the Act gives the District Attorney the authority to override a department's decision to release audio and/or video recordings pertaining to criminal matters.
5. The status of recordings made in a home without a warrant are still somewhat in question in light of Commonwealth v. Dunnavant, 107 A.3d 29 (Pa. 2014), a case which involved a warrantless recording in a home by a confidential informant. While we believe that it is unlikely that Pennsylvania appellate courts will find a constitutional violation when a police officer who is in uniform or otherwise clearly identifiable as a law enforcement officer records in a home, there are no appellate decisions directly deciding this issue. Out of an abundance of caution, an "initial" notification that the officer is recording upon entry into a home may help negate a suppression challenge.

The most difficult issue encountered when drafting this MODEL POLICY was when to allow officers to review MVR recordings of the incident when there is a deadly force or in-custody death/near-death incident. At that instant Officers must rely on their training, experience and available information. One of the considerations in Use of Force evaluations is that the "Force" used must be "objectively reasonable" based on the facts and circumstances confronting the officer(s) and judged from the perspective of a reasonable officer on the scene and not with the 20/20 vision of hindsight.

As the result of recent contract requirements, in an attempt to have consistent wording used by departments, several Chiefs suggested, page 7, Section **6** (MVR) "Officer Access and Review" in the model MVR and BWC Policies, have two (2) options for **your choice**.

(CHOOSE OPTION A or B FOR YOUR DEPARTMENT USE)

Option A: In an attempt to determine the unadulterated thought process and feelings perceived by the officer at the time of the incident, the officer shall not be provided, nor shall they review MVR or other audio-video recordings of the incident prior to giving an initial statement to an investigator. Once the initial statement is provided, the involved officer may view MVR or other audio-video recordings of the incident prior to providing any additional statements to investigators.

OR

Option B: The officer shall be provided the opportunity to review MVR or other audio-video recordings of the incident prior to giving an initial statement to an investigator.

We again strongly recommend you request an independent agency (e.g. ACPD, PSP) to conduct the interviews and investigation on these types of incidents. This MODEL POLICY should serve as a starting point to be reviewed, revised, and approved by the Chief or Superintendent, your municipality and solicitor before being implemented by your police agency.

01. PURPOSE

The purpose of this policy is to provide law enforcement officers with guidelines on the use of Mobile Video Recorders (MVR) as an effective tool to help audio/visually document events as they actually occur, enhance officer safety and the department's ability to review probable cause for arrest, arrest procedures, officer-public interaction, ensure the accuracy of reports, collection of evidence and testimony in court.

Any and all data and recordings collected are the exclusive property of the Department and shall not be viewed, duplicated, posted or distributed except as authorized by this policy.

Recent changes to **Pennsylvania Law** allow uniformed law enforcement officers or clearly identifiable law enforcement officers on official duty such usage. Future changes in law and procedure, technology as well as training provided on this procedure, may give rise to modifications of this policy. Violations of this policy subjects the officer to the department disciplinary policy.

If Facial Recognition Software or Programs are developed which interface with MVRs, their use will be utilized in accordance with applicable law and approved by the Chief of Police or his designee.

02. POLICY

This policy is not intended to describe every possible situation in which the Mobile Video Recorder (MVR) system may be used, there are many situations where its use is appropriate. An officer may activate the MVR any time the officer believes it would be appropriate or valuable to document an incident.

The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The Department also recognizes that the MVR video does not mirror the perspective of the officer at the time of an incident, nor does the video include other factors known to or perceived by the officer that could impact the officer's judgement and decision-making, such as events beyond the scope of the camera, the officer's "reactionary gap", or the difference between human vision and the camera's video recording abilities. In some circumstances it is not possible to capture audio or images of the incident due to conditions or the location of the camera. Therefore, the use of Mobile Video Recorders does not reduce the requirement to provide thorough written documentation of an incident.

03. DEFINITIONS

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Activate – Any process that causes the In-Car Mobile Video Recorder to transmit or store audio-video data in an active mode.

Agency Administrator – Member of the Department who will be identified at the administrator level, with full access to user rights.

Mobile Video Recorder (MVR) System – All cameras, accessories, docking stations, etc. related to MVR systems approved for use by the Pennsylvania State Police and published in the Pennsylvania Bulletin. MVR may also be referred to as Audio/Video Recording (AVR).

MVR Technician – Officers of the Department who are specifically trained in the maintenance and care of the MVR/BWC equipment, and who are trained to maintain and administer the storage of the recordings.

Confidential Information - Any of the following:
(1) The identity of a confidential source.
(2) The identity of a suspect or witness to whom confidentiality has been assured.
(3) Information made confidential by law or court order.

Critical Incident- The following are some examples of critical incidents:
(1) Deadly Force;
(2) In-Custody Death/Near Death;
(3) Officer assaulted or killed;
(4) Near shoot situations;
(5) Death or severe trauma of a child;
(6) Multiple deaths or injuries in short amount of time;
(7) Natural disaster;
(8) Terrorist attack;
(9) Fatal/Serious crashes.

Information Pertaining to an Investigation - An audio recording or video recording which contains any of the following:
(1) Complaints or depictions of criminal conduct, including all actions or statements made before or after the criminal conduct that are part of or relate to the same incident or occurrence.
(2) Upon disclosure, information that would:
(i) reveal the institution, progress or result of a criminal investigation;
(ii) deprive an individual of the right to a fair trial or an impartial adjudication;
(iii) impair the ability of the Attorney General, a district attorney or a law enforcement officer to locate a defendant or codefendant;
(iv) hinder the ability of the Attorney General, a district attorney or a law enforcement officer to secure an arrest, prosecution or conviction; or
(v) endanger the life or physical safety of an individual.
(3) Upon disclosure, information that would:
(i) Reveal the institution, progress or result of an agency investigation.
(ii) Deprive a person of the right to an impartial administrative adjudication.
(iii) Constitute an unwarranted invasion of privacy.
(iv) Hinder an agency's ability to secure an administrative adjudication.
(v) Endanger the life or physical safety of an individual.

Digital Evidence – MVR files, including photographs, audio recordings and video footage, captured by an MVR and stored digitally.

End User – Officers of the Department who have been issued or assigned a vehicle with an MVR.

Evidence Transfer Manager (ETM) - A computer server with built-in, networked or wirelessly connected docking stations physically installed within the Department or a Department vehicle that simultaneously recharges the MVR equipment while digitally encrypting and uploading all data captured to the server.

Law Enforcement Agency - The Office of Attorney General, District Attorney's Office or an agency that employs a law enforcement officer.

Law Enforcement Officer - An officer of the United States, the Commonwealth or a political subdivision thereof, another state or political subdivision thereof or who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter or an equivalent crime in another jurisdiction, a sheriff or deputy sheriff and any attorney authorized by law to prosecute or participate in the prosecution of the offense.

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.

Storage Server – Digital media storage that can be remotely accessed by Authorized End Users and Administrators. This virtual evidence warehouse stores digitally encrypted data in a highly secure environment that is only accessible to approved personnel based upon their security clearance.

Victim - An individual who was subjected to an act that was committed by another individual, including a juvenile, which constitutes any of the following:
(1) An offense committed under any of the following:
(i) The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.
(ii) 18 Pa.C.S. (relating to crimes and offenses).
(iii) 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance).
(iv) 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence).
(v) 75 Pa.C.S. § 3732 (relating to homicide by vehicle).
(vi) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).
(vii) 75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).
(viii) 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).

(ix) 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs).
(x) Any other Federal or State law.

(2) An offense similar to an offense listed under paragraph (1) committed outside of this Commonwealth.
(3) An offense which would constitute grounds for the issuance of relief under Chapter 62A (relating to protection of victims of sexual violence or intimidation) or 23 Pa.C.S. Ch. 61 (relating to protection from abuse).
(4) An offense against a resident of this Commonwealth which is an act of international terrorism.

Victim Information - Information that would disclose the identity or jeopardize the safety of a victim.

04. PROCEDURES

A. Officers Responsibilities:

1. Officers must successfully complete department MVR training.

2. The MVR system turns on whenever the vehicle's emergency warning lights are activated or manual activation by an Officer and remains on until turned off manually.

3. At the beginning of each officer's shift, he/she is to ensure that the Mobile Video Recorder is on, in working order and if applicable, a check will be made of the DVD to determine the length of recordable time remaining on it. If there is one hour or less, the officer shall change it with the next sequential disk for that MVR and note on the Daily Log**. In the event that any evidence of a crime or significant event is recorded, the audio and video recording will be processed as evidence according to Department Policy.** Routine traffic stops or routine audio and video recordings where there is no physical arrest are not considered significant events. At the end of the shift, the MVR shall be turned off.

4. The Mobile Video Recorder (MVR) should be activated in any of the following situations:
   a. in an effort to increase officer safety,
   b. accurately document events, actions and conditions during, citizen contacts, traffic/pedestrian stops, vehicle/foot pursuits,
   c. person or property searches,
   d. arrest or investigative detention,
   e. traffic crash scenes,
   f. mental health encounters,
   g. verbal or physical confrontations, use of force,
   h. prisoner transports,
   i. crimes in progress,
   j. critical incidents,
   k. criminal investigation,
   l. intelligence gathering,
   m. traffic surveys,
   n. suspicious activity,
   o. the prosecution of the Motor Vehicle Code and Crimes Code violations,
   p. to ensure report accuracy, collection of evidence and testimony in court,
   q. enhancement of the department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction,
   r. to document any contact that becomes adversarial after the initial contact, that would not otherwise have required recording,
   s. any time an officer believes it would be appropriate or valuable to document an incident,
   s. as well as for officer evaluation and training.

5. If any incident is recorded with either the video or audio system, the existence of that recording will be tagged with the appropriate classification and noted in the citation, incident, arrest and any related reports

6. Officers shall inform the OIC of training of any audio and video recorded sequences that may be of value for training purposes.

7.Malfunctions of the Mobile Video Recorder should immediately, or as soon as practical, be brought to the attention of the shift supervisor and shall be recorded on the Daily Log.

8.Officers shall ensure the MVR is positioned and adjusted to record events and the use of the MVR will commence immediately upon activation of the emergency warning lights or from manual activation by the Officer.

9. Officers should utilize the MVR to record activities associated with their job duties and responsibilities whenever possible. The MVR should not be deactivated until the enforcement action or incident is completed. If the MVR is deactivated before the incident or enforcement action is completed the officer must record a brief verbal explanation for the deactivation prior to turning off the MVR.

10. Although notice is not required by law, in certain circumstances, it may prove beneficial to provide notice of the recording, using a phrase such as, "Our actions and words are being recorded. Such notice may assist an officer to deescalate confrontational situations.

11. Once activated in accordance with this policy, officers shall not deactivate their MVR until:
    a. they have cleared the assignment or,
    b. in the case of arrest, all arrests have been made, arrestees have been transported or have transferred custody of the arrestee to another member;
    c. all witnesses and victims have been interviewed;
    d. their involvement in the citizen contact or detention has concluded;
    e. they receive an order from a supervisor (in such situation, the officer must record a brief verbal explanation for the deactivation prior to turning off the MVR);
    f. the incident requiring activation has concluded, and the officer has returned to service.

12. Exceptions:
    a. In situations when community members, witnesses, crime victims or other parties wish to share information related to criminal activity, but refuse to do so while being recorded, officers should balance the value of the information and have the discretion to tum off their MVR during the interview. In such situation, the officer must record a brief verbal explanation for the deactivation prior to turning off the MVR.
    b. The MVR may be deactivated during conversations among/with officers or supervisors during information sharing sessions or discussing tactics and strategy. In such situation, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.
    c. When the recording would capture gruesome images or private areas of the human body are exposed and there is no legitimate law enforcement need to capture the images.
    d. During non-enforcement activities such as significant periods of inactivity, report writing, other breaks from direct participation in the incident.
    f. Simply waiting for a tow truck or a family member to arrive or in other similar situations;
    g. When the conditions of the deactivation have ceased, the officer will reactivate the MVR if the incident or action is ongoing.

13. Officers shall use appropriate discretion when recording confidential informants or undercover officers.

14. When a prisoner(s) is being transported in a Mobile Video Recorder equipped vehicle, the rear camera should be positioned and adjusted to record the actions of the prisoner(s) in the backseat of the vehicle.

15. Officers shall not:
    a. Remove, dismantle, or tamper with any hardware or software component or part associated with MVRs.
    b. Attempt to change any functions or controls on the audio and video recording unit for which they have not been trained including, but not limited to, date, time, taping speed, etc.
    c. Erase, destroy, disseminate, edit, alter, or otherwise use MVR recordings without the written permission of the Chief of Police, except for approved annotation in accordance with the training and capabilities of the MVR system (e.g., flagging a location in the retrieval video for use in court at a later date).
    d. Copy, convert, record, or disclose the contents of a MVR recording including posting to any public and/or social media site without written approval of the Chief of Police. MVR recordings shall only be shared for official law enforcement purposes.
    e. Allow unauthorized personnel to view the MVR recordings without permission from his/her immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the digital evidence, or who are previously authorized to interact with Department evidence, are exempt from this restriction.
    f. Delete any MVR recording.
    g. Download or convert any MVR recording for personal use.
    h. Use Department-issued MVRs while off-duty.
    i. Record conversations of officers without their knowledge during routine, non-enforcement related activities such as in Department locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.
    j. Record gratuitously violent or obscene images, unless necessary for evidentiary documentation or required by this policy.
    k. Record a particular person based solely on the person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, physical disability status, or political affiliation.
    l. Use any other electronic device or other means in order to intentionally interfere with the capability of the MVR.
    m. End a recording based solely on a citizen's request/demand. Officers may end a recording if the citizen wishes to provide anonymous information; however, officers must balance the value of the proffered information versus the value of the ongoing MVR recording.
    n. View recordings for other than official law enforcement purposes.
    o. Record strip searches.

B. Supervisor Responsibilities

1. Supervisors shall ensure officers use the MVR equipment.
2. Supervisors shall review the following recordings:
   a. Recordings of any officer injury.
   b. Recordings of any actor injury.
   c. Recordings of any verbal or physical confrontations,
   d. Recordings or any use of force incident.
   e. Recordings of any vehicle pursuit and actions taken following the pursuit.
   f. Recording of any citizen complaint.
   g. Random recordings as designated by the Chief of Police.
3. Supervisors will utilize the information from the recordings during the completion of performance evaluations.
4. Supervisors shall take appropriate administrative action if an officer is found to have failed to properly use or care for the MVR equipment.
5. In a critical incident (such as an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death), a supervisor or their designee shall immediately take custody of involved MVRs and, in such case, will assume responsibility for the upload.
6. In the event a malfunction is brought to the attention of a supervisor, he/she will, as soon as practical, notify the proper company for repairs to be made.
7. On at least a bimonthly basis, the OIC of Training will randomly review audio and video recordings to assist in periodic assessment of Officer Performance, determine whether the MVR recording equipment is being fully and properly used and to identify material that may be appropriate for training.

05. STORAGE

1. All downloaded media shall be stored in a secure area with access restricted to authorized persons.
2. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures.
3. All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
4. Non-evidentiary audio and video recordings from the MVR will be maintained in accordance with Pennsylvania Law**,** after their creation. The data files may be archived to a suitable medium .
5. All actions taken with respect to retention of media shall be appropriately documented.

06. OFFICER ACCESS AND REVIEW Officer Access and Review

1. Officers may review BWC recordings prior to documenting an incident, arrest, search, interview, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.
2. Officers involved in a Critical Incident (e.g. Deadly Force, In-Custody Death/Near Death) will provide Public Safety information.
   (#3 HAS OPTIONS A or B FOR YOUR CONSIDERATION FOR DEPARTMENT USE)
3. **Option A:** Critical Incident: a. In an attempt to determine the unadulterated thought process and feelings perceived by the officer at the time of the incident, the officer shall not be provided, nor shall they review MVR or other audio-video recordings of the incident prior to giving an initial statement to an investigator. Once the initial statement is provided, the involved officer may view MVR recordings of the incident prior to providing any additional statements to investigators**.**

3. **Option B:** Critical Incident: The officer shall be provided the opportunity to review MVR or other audio-video recordings of the incident prior to giving an initial statement to an investigator.
4. All responding and/or supporting officers may review their own AVR and complete a Supplemental Report.

07. AUDIO AND VIDEO RECORDINGS CONTROL & MANAGEMENT

A. Duplication/Retention of MVR Recordings

1. The recordings produced on the MVR equipment are property of the Department, and will be subject to applicable law and Department policies regarding the duplication, viewing, release, retention and destruction of such recordings.
   a. All recordings submitted will be labeled and stored in a designated secure area, and shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for less than **75** days, unless the recording meets a specific exception as outlined in this policy.
   b. If the Department receives a request for a video under Right-to-Know Law as set forth in Act 22 of 2017, the Chief of Police, BWC Technician, or authorized designee will ensure that the video is retained and preserved until such time that the Department receives a final decision regarding its production pursuant to the request. (Title 42, Ch.67 A, Recordings by Law Enforcement officers).
   c. Request from other Law Enforcement agencies for recording shall be referred to the Chief of Police.

2. Mandatory Retention: The following types of incidents recorded on MVR equipment shall be retained and processed as evidence:
   a. Incidents which may result or have resulted in the filing of criminal charges.
   b. Incidents which are likely to become the subject of civil litigation against the Department or its personnel, including but not limited to, patrol vehicle crashes, pursuits, critical incidents, incidents involving verbal or physical confrontations, use of force, and incidents involving verbal complaint(s) against the Department or its personnel.
   c. Incident involving injuries to officers and injuries incurred or alleged to have been incurred by others as the result of police actions.
   d. Recordings which have been properly requested shall be retained pursuant to Title 42, Chapter 67A.
   g. Recording shall be retained for no less than 75 days to accommodate any delays in processing a request.
   h. If a request is denied additional retention time is necessary.
3. Other Requests for Retention:
   a. Any member who believes that the retention of a recording not specifically required by this regulation is advisable (e.g., for use in a summary proceeding involving a traffic violation or training), shall notify the MVR Technician as soon as possible. The MVR Technician shall evaluate each request in accordance with this regulation. Officers are advised, per this regulation, that all recordings collected by the MVR equipment which are not regulated by a regular retention schedule will be purged no later than 120 days from the date of the last recording. All requests for duplication/retention are to be requested on a Department Form, "MVR Video/Audio Recording /Request Form." The completed form must be sent to the MVR Technician.
   b. When properly requested and approved, the MVR Technician will duplicate the recording of the incident from the Storage Server system and ensure its delivery to the requesting officer in a timely manner. The Department MVR Request Form will specify the reason that the recording is requested (e.g., court), and the date that the recording is needed.
   c. Additional requests for retention of MVR recordings may be made of the evidence custodian:
      i. Recordings requested to be preserved by an officer on the recording, a supervisor, or the Office of the Chief, where the recording may be necessary for use in any criminal or forfeiture proceeding. The recording shall be retained until destruction is authorized by the Chief of Police.
      ii. Recordings requested to be preserved by an officer on the recording or a supervisor, where the recording may be necessary for use in any summary proceeding involving a traffic violation. The retained recording shall be purged no later than 120 days from the conclusion of all proceedings related to the citation.
      iii. Recordings requested to be preserved by a supervisor or solicitor where the recording may be necessary for use in any civil, administrative, or disciplinary proceeding. The recording shall be retained until destruction is authorized by the Chief of Police.
      iv. Recordings that are the subject of a subpoena or court order shall be retained until destruction is authorized by the Chief of Police.
      v. In criminal cases, notice shall be provided to the prosecuting attorney of any request for MVR recordings.
      vi. MVR Evidence Custodians shall ensure that all recordings are purged no later than 120 days from the date of the last recorded incident, after all properly requested and approved duplications have been made, unless otherwise regulated by this policy.

B. MVR Media Categorization, Notation and Use in Reports

1. Each event must be categorized according to event type, to ensure proper retention periods are applied.
2. The use of the MVR shall be recorded in the appropriate section of Department reports, and in the remarks section of citations.
3. Officers may use media captured via the MVR to assist with investigations and the completion of required reports in accordance with this policy. Officers may also use the media captured by the MVR to assist investigators and supervisors in evaluating on-going situations.
4. Using the capabilities of the storage server (if applicable), officers may add markers and/or create clips in order to assist investigators and/or prosecutors.
5. Officers may use media captured on the MVR for training purposes, with proper authorization from the Chief of Police. Additionally, Field Training Officers may use media captured via the MVR to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).

08. RETENTION OF RECORDINGS

a. 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 75 days, unless the recording meets a specific exception as outlined in this policy.
b. If the Department receives a request for a video under Right-to-Know Law as set forth in Act 22 of 2017, the Chief of Police, MVR Technician, or authorized designee will ensure that the video is retained and preserved until such time that the Department receives a final decision regarding its production pursuant to the request. (Title 42, Ch.67 A, Recordings by Law Enforcement officers)

09. DISSEMINATION

All dissemination of audio and video recordings shall be with the approval of the Chief of Police only.