



**LOWER GWYNEDD TOWNSHIP
POLICE DEPARTMENT
SPRING HOUSE, PENNSYLVANIA
GENERAL ORDER 2.4**



Subject		
Traffic Enforcement		
Date of Issue	Effective Date	Expiration Date
October 1, 2013	October 1, 2013	Until Amended or Rescinded
PLEAC STANDARD Reference		
2.4.1		
Amends	Revisions	
GO 09-70	4/15/18;3/5/20	
Distribution	Forms	
All Personnel	LG-20; LG-70	

This order consists of the following sections:

- 2.4.1 Vehicle Enforcement Procedures
- 2.4.2 Audio/Video (AV) Recordings

I. Purpose

The Traffic Safety Triad of Education, Engineering, and Enforcement is an essential part of ensuring the highways of communities and the Commonwealth are safe for the motoring public as well as pedestrians and cyclists. Proactive traffic enforcement is the responsibility of all police officers for both traffic safety and crime suppression objectives. The purpose of this order is to establish policies and procedures for the department's effective enforcement of traffic laws.

II. Policy

It is the policy of the Lower Gwynedd Police Department that all personnel shall adhere to the provisions of this general order. Fair and impartial enforcement of the Pennsylvania Vehicle Code and local traffic ordinances is a vital function of law enforcement agencies.

The Lower Gwynedd Township Police Department utilizes the WatchGuard Vista style Body Worn Cameras (BWC) and 4RE Digital HD Panoramic Mobile Video Recorders (MVR). WatchGuard systems are approved under 18 Pa. C.S. 5706(b)(4) to record the communication that occurs in the course of law enforcement duties.

The BWC and MVR systems, collectively known as the Mobile Audio/Video Recording Equipment (MAVRE), provide persuasive documentary evidence for the prosecution of criminal offenses and serious traffic violations, allows members to more accurately document events, actions, conditions and statements made during incidents, aids officer safety training, assists with investigations of alleged misconduct, and may serve as a resource for civil litigation.

In order to comply with Pennsylvania law and achieve maximum benefit, officers shall follow the procedures in this policy.

III. Definitions

Body-Worn Camera (BWC): A Mobile Video Recording device worn on or about an officer's person.

Media: Audio-video signals recorded or digitally stored on a storage device or portable media.

Mobile Audio/Video Recording (MAVR): All recordings including, but not limited to criminal investigations, police activity, traffic enforcement, crash investigations or blocked-out portions of time.

Mobile Audio/Video Recording Equipment (MAVRE): The combination of BWC and MVR components that act independently or collectively to digitally record events.

Mobile Video Recorder (MVR): An in-car camera system (camera, microphone, recorder and monitor) that records audio and video.

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 (18 Pa. C.S. 5701). The term does not include:

- an electronic communication
- communication made in the presence of a law enforcement officer who is using an electronic, mechanical or other device which has been approved under 18 Pa. C.S. 5706(B)4) to intercept the communication in the course of law enforcement duties.

2.4.1 Vehicle Enforcement Procedures

A. Physical arrest (PLEAC 2.4.1a)

1. Officers will affect a physical arrest on any person in violation of those traffic laws pertaining to driving under the influence of alcohol and/or drugs and all other violations of the law requiring physical arrest in the Commonwealth of Pennsylvania.
 - a. In the event that a traffic law violator resides outside the Commonwealth, or the arresting officer has reason to believe that the defendant will not appear for court, the violator may be taken into custody and transported to the local magistrate's office or the on-call District Justice for immediate adjudication.
2. There may be other incidents in which a violator should be physically arrested or detained:
 - a. To Live-Scan an operator who has no identification and the officer is unable to verify his/her identity.
 - b. The decision should be based upon sound legal principles, as opposed to peripheral issues such as the violator's attitude.
 - c. The decision shall be in accordance with Title 234 - Rules of Criminal Procedure and Title 75 - Vehicle Code, section 6304 - Authority to Arrest Without Warrant

B. Traffic Citations (PLEAC 2.4.1b)

1. Traffic citations may be issued to all violators who jeopardize the safety of vehicular and pedestrian traffic, including hazardous moving violations, and operating unsafe and/or improperly equipped vehicles or otherwise violate the Pennsylvania Motor Vehicle Code. Enforcement shall be accomplished by using a Commonwealth traffic citation. Within 5 days after the citation is issued, the original shall be filed with the proper issuing authority.

C. Traffic Ordinance Violations **(PLEAC 2.4.1c)**

1. Officers shall enforce all township ordinances regarding traffic and parking violations. These are listed in Part Four – Traffic Code of the Codified Ordinances of Lower Gwynedd Township.
2. Violations will be enforced using a Commonwealth Non-Traffic citation. Within 5 days after the citation is issued, the original shall be filed with the proper issuing authority.

D. Parking Violations **(PLEAC 2.4.1d)**

1. Officers shall enforce parking violations in Lower Gwynedd Township. This shall be done on a Lower Gwynedd Township Violation Notice. Officers may issue the ticket by handing it to the defendant or by placing it on a vehicle windshield.

E. Written and Verbal Warnings **(PLEAC 2.4.1e)**

1. Written warnings

- a. A written warning is a proper alternative to a traffic citation, which may be used based on the individual officer's discretion, professional judgment, training, and experience.
- b. All written warnings should be issued with the Lower Gwynedd Township Police Warning Notice.
- c. An equipment repair order is a proper alternative for officers to use for minor equipment violations and for operators who do not have in their possession their driver's license, registration card, and/or insurance card.
- d. All equipment repair orders should be issued with the Lower Gwynedd Township Police Warning Notice.
- e. Violators issued an equipment repair card should have the proper response to the repair card explained to them in order to avoid a traffic citation.
- f. Officers will retain their copy of the equipment repair card to assure that a proper response is completed, and if not completed, issue a citation for the violation.

2. Verbal warnings

- a. A verbal warning is appropriate when the violator commits an act which may be due to ignorance of Pennsylvania law or local ordinances, which may be unique or a violation of which the driver may not be aware.

2.4.2 MOBILE AUDIO/VIDEO RECORDINGS

A. Training requirements for all users **(PLEAC 2.4.2a)**

1. All officers authorized to use MAVRE shall undergo initial training with the proper use of the BWCs, MVRs, departmental policy and the Pennsylvania Wiretapping and Electronics Surveillance Control Act. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates or other revisions in policy and equipment.

B. Time periods when MAVRE shall be in operation to make audio and/or video recordings **(PLEAC 2.4.2b)**

1. In 2017, an exception was made to the Pennsylvania Wiretapping and Electronic

Surveillance Control Act, Title 18, Chapter 57 as to the expectation of privacy concerning law enforcement officers (Act 22). **Under Act 22, officers following the four requirements in above listed Section 6.9.04(B)(2) are no longer required by Pennsylvania law to announce any recording or to switch off their devices upon entering a residence.** Officers can record any oral communication provided that:

- a. the communication is made in the presence of a law enforcement officer,
- b. the officer is officially on duty,
- c. the officer is in uniform or otherwise clearly identifiable as a law enforcement officer,
- d. the officer is using recording equipment approved under section 5706(b)4) to record the communication that occurs in the course of law enforcement

2. Use of Mobile Audio/Video Recording Equipment

- a. Officers must synchronize BWCs with the vehicle's docking base at the beginning of their shift and after each time the transmitter is manually turned off. This is done by inserting the BWC into the docking base until the BWC indicates it is synced.
 - i. In the event that a vehicle does not have a docking base or the docking base is malfunctioning, the BWCs will still be utilized and activated/deactivated manually by the officer.
- b. MAVRE shall be used by personnel assigned to patrol duties, when the equipment is available. Detectives shall consider using the MAVRE when conducting investigations in the field, under the same criteria outlined in this General Order. Administrative personnel may utilize MAVRE while performing their official duties.
- c. Personnel utilizing BWCs shall ensure that:
 - i. they are in uniform or clearly identifiable as a law enforcement officer.
 - ii. the cameras are properly aimed and focused in order to record an event
 - iii. the BWC is properly attached to the uniform
 - iv. the BWC is attached to the outermost garment being worn when it is in use
- d. MAVRE will be activated when handling, but not limited to, the following situations:
 - i. on all traffic or pedestrian stops;
 - ii. during all vehicle or foot pursuits;
 - iii. during any on-view arrest or citation;
 - iv. during all emergency responses;
 - v. during the transport of any civilian or prisoner;
 - vi. when following a suspected DUI offender prior to making the traffic stop, the field sobriety tests and when taking the offender into custody;
 - vii. when handling disturbance or crisis related incidents;
 - viii. when inventorying evidence, contraband or personal belongings;

- ix. when executing any type of warrant and during any conversation with the occupants of the premises regarding the entry, the reason for the search, or the scope of the search;
 - x. during vehicle and personal searches, searches incident to arrest or consent searches;
 - MAVRE will not be used during strip or body cavity searches
 - xi. to record victim injuries and interviews;
 - xii. when conducting a show-up identification of a suspect.
 - A view of the suspect shall be recorded during the identification
 - xiii. any time a recording may prove useful in later investigations and judicial proceedings, provided the recording does not violate a reasonable expectation of privacy;
 - xiv. when through their training and experience, the officer believes MAVR is necessary
- e. Officers should make every effort to capture probable cause for traffic stops. Keep in mind that there is a pre-event record feature that will capture action before recording is activated.
- f. Officers have the discretion to keep their MAVRE off during conversations with persons who wish to report or discuss criminal activity, but do not wish to be video and/or audio taped. If the officer feels the importance of obtaining information and/or a statement outweighs the need to record it and the absence of a BWC recording will not affect the investigation. The request shall be captured prior to deactivation and officers should note this request in their report.
- g. Officers shall indicate in all reports when video recordings were made during the incident in question.

3. PROHIBITED ACTIVITY

- a. Tampering with the MAVRE, altering any preset/default settings, deleting any recordings, intentionally obscuring the view of the cameras or muffling the microphone.
- b. Allowing non-authorized persons to view recordings in the field or post incident
- c. Using an external device to copy any event recorded or displayed by the MAVRE.
- d. Editing, deleting, copying, sharing or otherwise distributing in any manner an MAVRE recording without approval of the Chief of Police.
- e. Allowing any MAVRE recording to be used or shown for the purpose of officer ridicule or embarrassment. This includes any portion of a video recording to a media organization, web site or other outlet.
- f. BWCs generally shall not be used to record
 - i. Personal communications with other police personnel
 - ii. Encounters with undercover officers or confidential informants

- iii. When the recording officer is on break or otherwise engaged in personal activities
- iv. In any location where individuals have a reasonable expectation of privacy, such as a restroom or a locker room.

4. Deactivation of MAVRE

- a. MAVRE shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area otherwise restricted by this policy.
- b. Officers shall not stop recording an active event, incident or circumstance at their own discretion or by the demand of anyone other than a supervisor. In the event the recording is stopped before the completion of the incident, the officer will:
 - i. Document the reason(s) for this action on video prior to its deactivation
- c. When deactivating the MVR, the officer must select the appropriate incident type for which the MVR was activated.

C. Storage of MAVRE **(PLEAC 2.4.2c)**

- 1. BWCs, when not in use, will be stored in the charging bank in the patrol room.

D. Maintenance of MAVRE **(PLEAC 2.4.2d)**

- 1. All MAVRE malfunctions or items requiring maintenance shall be documented on a Request for Action form and forwarded to the Lieutenant for repair or replacement.

E. Inspection of MAVRE **(PLEAC 2.4.2e)**

- 1. It is the responsibility of all officers to inspect the MAVRE at the beginning of each shift or as soon as possible at the beginning of each shift to ensure all of the equipment is functioning properly.

F. Auditing of recorded material **(PLEAC 2.4.2f)**

1. Review of MAVRs

- a. Sergeants shall, on a quarterly basis, review five (5) random MAVRs by officers on their squad. The Chief or his designee shall, on a quarterly basis, review five (5) random MAVR recordings by Sergeants. Review of these recordings is to ensure;
 - i. MAVR devices are being used appropriately and in accordance with this policy
 - ii. officers are acting in accordance with Lower Gwynedd Township Police Department General Orders, Pennsylvania law and basic officer safety.
- b. Reviews will be documented on an Audio/Video Review Log (LG-70).
 - i. Minor infractions can be treated as training opportunities and addressed with the officer by the reviewer. Continued infractions will be referred to the Lieutenant.
 - ii. The Lieutenant will be advised of any major infraction(s). The Lieutenant and the Sergeant will review the infraction(s) to determine if any corrective action is needed.
- c. Non-random AV recordings may be reviewed;
 - i. in response to a citizen complaint

- ii. when there has been a request for the recordings by an outside agency
- iii. when there are articulable reasons to review specific incident(s) by specific officer(s).
- d. Should an officer believe they are being unfairly targeted for review, he/she may request a conference with the Lieutenant or Chief and reviewer to discuss the concerns or follow the grievance procedure.

G. Procedures to address malfunctioning equipment (PLEAC 2.4.2g)

1. If the MAVRE fails to activate for any reason, fails to record the entire contact, or terminates the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
2. If the MAVRE is not operational in an assigned vehicle or becomes inoperable during a shift, this does not cause the vehicle to be placed out of service; however, the OIC may assign the officer to another vehicle with operational MAVRE.
3. Damage or operational problems related to AV equipment shall be reported to the Lieutenant via e-mail and a request for action form and noted on the vehicle status board.

H. Storage of information collected from MAVRE recordings (PLEAC 2.4.2h)

1. MAVRE recordings automatically download to a secure serve located within the IT room via a secure access point located at the police station. IN the event that an issue arises with the access point, the recording(s) can be manually downloaded by the Lieutenant or his designee via a WatchGuard thumb drive.
2. MAVRE media stored on a secondary storage device (i.e., USB flash drives, DVD-Rs, etc.) shall be maintained by the Evidence Custodian and secured in the same manner as any other evidence collected by this department, as outlined in General Order 3.5.

I. Access and retrieval of recordings (PLEAC 2.4.2i)

1. MAVRE recordings are the exclusive property of the Lower Gwynedd Township Police Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited, except as determined by the Chief, the Township solicitor or the Right to Know Officer.
2. MAVRE recordings are for internal Department operations and evaluations and shall not be distributed or reviewed outside the Department without specific and articulable cause.
3. Access to MAVRE recordings must be specifically authorized by the Chief or Lieutenant. All access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Access to MAVRE recordings beyond regular criminal investigative and prosecutorial activities must be specifically authorized by the Chief or Lieutenant, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
5. Non-authorized persons shall not be permitted to view MAVRE recordings in the field or post incident.

- a. If an involved party requests to view the recordings, they will be instructed to contact the Lieutenant. The officer shall inform the Lieutenant of the involved party's request.
 - b. If, at the same time of request to view the recording, the Lieutenant is not working, the involved police officer shall notify the Lieutenant via e-mail of the date and time of the incident, the requesting party's name and the involvement in the incident.
 - c. After consultation with the Chief shall render a decision regarding an outside review of the recordings. The decision to allow a review shall take into consideration several factors to include whether the incident is a criminal matter or the subject of potential civil litigation. Except in the most extreme circumstances, the review will not be permitted.
6. Police officers may privately review the media in the field for their own analysis or report accuracy at their discretion.
 7. If an officer believes a recording contains pertinent information which needs to be preserved for training, investigation or criminal or civil proceedings, the officer shall submit a request via email to the Lieutenant requesting it be preserved and of the reason why.
 8. If MVR media is needed for a judicial proceeding other than Magisterial District Court, only the portion of the incident pertinent to the proceeding shall be duplicated for the judicial proceeding.
 - a. The duplicated media shall be used for the judicial proceeding.
 - b. The original media shall be retained at the Department as evidence.
 - c. Documentation shall be made on an Incident Comment Report with the chain of custody being followed.
 9. No AV recording will be tampered with, altered, erased or removed in any manner.
 10. Officers shall not change preset / default settings on the MVR system.

J. Electronic records retention (**PLEAC 2.4.2j**)

1. All MAVRE media shall be retained in accordance with state law and the following department retention periods.
 - a. Accident investigation 90 days
 - b. Criminal investigation 90 days
 - c. Emergency response 90 days
 - d. Non-custodial encounter 90 days
 - e. Transport 90 days
 - f. All other 90 days
 - g. Default 365 days
 - h. Pedestrian stop 365 days
 - i. Traffic stop – Citation 365 days
 - j. Traffic stop – Warning 365 days

k. Criminal arrest 731 days

2. Archived MAVRE recordings will be retained consistent with procedures established for evidence retention.
 - a. The retention of the archived recording shall be done following established chain of custody procedures.
 - b. The archived recording will be retained until no longer needed for any judicial proceeding.
 - c. Archived recordings can be retained indefinitely for training purposes.
 - d. It will be the responsibility of the Police Officer who initiated the investigation or situation which caused the media documentation, to determine if the recording can be destroyed.
 - e. Video purging shall occur as programmed by the WatchGuard Evidence Library Evidence Management System or at the direction of the Chief of Police or Lieutenant.
 - f. The Evidence Custodian is responsible for destruction of secondary MAVRE recordings.
 - i. Requests for deletion of the recording (e.g. in the event of a personal recording) must be submitted in writing and approved by the Chief of Police in accordance with the state retention laws. All requests and final decisions will be kept in the officer's personnel file.

K. Use of facial recognition software or programs **(PLEAC 2.4.2k)**

1. The Lower Gwynedd Township Police Department uses the facial recognition system provided through JNET.
2. JNET Facial Recognition Search (JFRS) uses innovative computer technology to analyze and compare digital images for the purpose of identifying offenders when their identity is otherwise unknown. JFRS provides the means for an originator to compare a suspect's photo to those archived in the Commonwealth of Pennsylvania's Photo Imaging Network (CPIN)
3. Operators of the JFRS must have received the following JNET training;
 - a. JNET overview,
 - b. Web CPIN, and
 - c. JNET Facial Recognition Search (JFRS) Training

L. Violation of the policy subjects the violator to the agency's disciplinary policy **(PLEAC 2.4.2l)**

1. Any violation of this policy will subject the violator to disciplinary action as defined in General Order 1.8.1 - Conduct, Disciplinary Procedures and Appearance

M. Supervisory responsibilities **(PLEAC 2.4.2m)**

1. Supervisory personnel shall ensure that:
 - a. officers are utilizing MAVRE in accordance with the policy and procedures defined herein.

- b. all officers follow established procedures for the use and maintenance of AV equipment and the completion of AV documentation.
 - c. the Lieutenant is notified of any violations of this directive, misuse of equipment, or defects of the equipment.
2. In the event of a critical incident, an officer involved shooting, use of force involving serious injury or death, or vehicle pursuit involving serious injury or death, supervisors shall take possession of the BWC of the involved officer(s) and ensure the data surrounding the incident is down loaded as soon as practical following the incident.

By Order of:

Electronically signed in PowerDMS

Paul Kenny

Chief of Police