RTK-207

pennsylvania
OFFICE OF OPEN RECORDS

Springettsbury Township
1501 Mt. Zion Road
York, PA 17402
(717) 757-3521 (Phone)
(717) 505-0455 (Fax)
www.springettsbury.com

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 6-24-13

REQUEST SUBMITTED BY: (E-MAIL) U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR: Joseph N. GOTHIE

STREET ADDRESS: 111 E. MARKET ST

CITY/STATE/COUNTY (Required): York PA 17401

TELEPHONE (Optional): [redacted]

RECORDS REQUESTED:
**Provide as much specific detail as possible so the agency can identify the information.*

See attached form/page.

DO YOU WANT COPIES? (YES) or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or (NO)

DO YOU WANT CERTIFIED COPIES OF RECORDS? (YES) or NO

RIGHT TO KNOW OFFICER: ***JOHN J. HOLMAN, TOWNSHIP MANAGER/SECRETARY***
john.holman@springettsbury.com

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

Questions: please contact the Office of Open Records at (717) 346-9903 or openrecords@state.pa.us

Records requested:

1. Police Vehicle Video Policies:
    a. Copies of any policy or policies of Springettsbury Township or the Springettsbury Township Police Department, whether written or not, which are related in any way to the use of video and audio recordings in police vehicles, including, but not limited to:
        i. Pre-patrol checklists or requirements to test Audio/Video ("A/V") units
        ii. Reporting requirements if units are defective or operating improperly
        iii. Retention policies for A/V information, including
            1. What circumstances mandate that A/V data to be retained
            2. How A/V retention is to occur within the chain of command
        iv. Policies and procedures applying to processing requests from third parties that request the preservation of A/V data, such as for pending litigation matters
2. Towing of vehicles following traffic stops of criminal investigations:
    a. Copies of any policy or policies of Springettsbury Township or the Springettsbury Township Police Department, whether written or not, which are related in any way to the towing of vehicles, whether during or after police contact with an individual, including the circumstances under which a vehicle will be towed.
3. Police Interviews of Witnesses and Suspects:
    a. Copies of any policy or policies of Springettsbury Township or the Springettsbury Township Police Department, whether written or not, which are related in any way to the audio or video recording of interviews of witnesses or suspects by police, including, but not limited to,
        i. when interviews are to be recorded,
        ii. how they are to be preserved,
        iii. who the person is who determines whether an interview will be recorded,
        iv. under what circumstances recordings are preserved, and
        v. the method that should be used by a third party to request preservation for legal purposes, including litigation.

SPRINGETTSBURY TOWNSHIP

1501 Mt. Zion Road
York, Pennsylvania 17402
717-757-3521 Fax: 717-757-7856
www.springettsbury.com
email: info@springettsbury.com

Police: 717-757-3525 Fax: 717-840-1908
Police and Fire Emergencies - Dial 911
Recreation Office: 717-505-0406

Wastewater Treatment Facility
3501 North Sherman Street
717-757-3521 Fax: 717-840-0680

COAT OF ARMS OF SPRINGETT PENN
1701-1731

BOARD OF SUPERVISORS

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July 1, 2013

Mr. Joseph N. Gothie
111 E. Market Street
York, PA 19401

Re: **RIGHT-TO-KNOW REQUEST**
Police Policies

Dear Mr. Gothie,

Thank you for writing to Springettsbury Township with your request for information in regards to:

Request #1: "Police Video Policies:

a. Copies of any policy or policies of Springettsbury Township Police Department, whether written or not, which are related in any way to the use of video and audio recordings in police vehicles, including, but not limited to:

I. Pre Patrol checklists or requirements to test Audio/Video ("A/V") units

II. Reporting requirements if units are defective or operating improperly

III. Retention policies for A/V information, including

1. What circumstances mandate that A/V data be retained
2. How A/V retention is to occur within the chain of command

IV. Policies and procedures applying to processing requests from third parties that request the preservation of A/V data, such as for pending litigation matters."

Request #1 is approved for written policies.

Request # 1 is denied for non-written policies. The only policies are the written policies.

- Format of Report: Section 705: an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner which the agency does not currently compile, maintain, format or organize the record.

Request #2: "Towing of vehicles following traffic stops of criminal investigations:

a. Copies of any policy or policies of Springettsbury Township Police Department, whether written or not, which are related in any way to the towing of vehicles, whether

during or after police contact with an individual, including the circumstances under which a vehicle will be towed.

Request #2 is approved for written policies.

Request # 2 is denied for non-written policies. The only policies are the written policies.

- Format of Report: Section 705: an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner which the agency does not currently compile, maintain, format or organize the record.

Request #3: "Police Interviews of Witnesses and Suspects:

a. Copies of any policy or policies of Springettsbury Township Police Department, whether written or not, which are related in any way to audio or video recording of interviews of witnesses or suspects by police, including, but not limited to,

i. when interviews are to be recorded,
ii. how they are to be preserved,
iii. who the person is who determines whether an interview will be recorded,
iv. under what circumstances recordings are preserved, and
v. the method that should be used by a third party to request preservation for legal purposes, including litigation."

Request #3 is approved in part and denied in part for written policies. Approved for written policies as listed in the request with the exception of "but not limited to." The request of "but not limited to" is vague and needs to be clarified

Section 703. Written Requests: "...A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested and shall include the name and address to which the agency should address its response..."

Request # 3 is denied for non-written policies. The only policies are the written policies.

- Format of Report: Section 705: an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner which the agency does not currently compile, maintain, format or organize the record.

The cost of reproduction of the documents is 34 pages @ $.25 per page, or $8.50 if picked up from the municipal office. Should you wish to have the information mailed, the additional cost is $1.52 for a total cost of $10.02.

The documents can be picked up or mailed upon receipt of payment to Springettsbury Township. You may contact Ms. Dori Bowders, at 717-757-3521, to schedule a time to pick up the documents.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

If you have any questions please do not hesitate to contact me.

Very truly yours,

John J. Holman. ICMA-CM
Township Manager
/jjh
cc: Chief Thomas Hyers, Springettsbury Police
Charles Rausch, Township Solicitor
Dori Bowders, Manager of Administrative Operations
File: Right-to-Know

STANDARD OPERATING PROCEDURE
87-1

AUDIO/ VISUAL RECORDING AND PRISONER MONITORING PROCEDURES

The following material will serve as a "procedural guide" for all members of the Springettsbury Township Police Department in proceeding with incidents necessitating the use of audio/ visual recordings, and/or the visual recording of a person being detained on station.

Therefore, since a thorough understanding of this audio/visual and/or prisoner monitoring procedure and effective communication of its application is essential to enforcement and prosecution, each officer shall familiarize himself with this material.

This procedure is to be used in conjunction with all relevant existing departmental policies, procedures, rules and regulations.

Approved by:

David C. Eshbach, Chief of Police

VIDEOTAPE PROGRAM PROCEDURES

I. PURPOSE

A. Videotaping is the recording on videotape of all physical activities and voice communications of an individual, as well as a pictorial account of a scene and its surroundings. Videotaping provides a thorough means of collection and preservation of evidence and offers a two dimensional record, both sight and sound, which enhances the viewers' acceptance of the subject matter as being authentic, believable and accurate.

II. GOALS AND CAPABILITIES

A. The goals and capabilities of the Springettsbury Township Police Department's videotape program include the taping of:

1. Prisoner monitoring

2. Statements of suspects, accused, defendants

3. Statements of victims, complainants, witnesses of crimes or motor vehicle accidents

4. Crime scenes

5. Fatal/serious injury motor vehicle accident scenes

6. Training sessions:
   a. In-service
   b. Seminars
   c. Professionally produced programs

7. Demonstrations:
   a. Equipment
   b. Procedures

8. Public relations programs

III. USE OF VIDEOTAPING

A. Videotaping the statements of suspects, accused, defendants, victims, complainants and witnesses of crimes or motor vehicle accidents may be completed only with prior approval of the Chief of Police. If the Chief of Police is not available to grant approval, approval may be granted by a Lieutenant or Sergeant having primary supervisory responsibility over the incident/offense

being investigated. If a Lieutenant or Sergeant is unavailable, the "on-call" duty supervisor may then grant approval. Authorization for videotaping may be granted when the following incidents/offenses are being investigated:

1. Homicide
2. Rape
3. Robbery
4. Assaults (Aggravated, Indecent)
5. Major arsons resulting in substantial property damage or injury
6. Multiple crimes which are related by method of operation, same suspect(s), or same victim(s):

    a. Burglaries
    b. Thefts
    c. Forgeries
    d. Frauds
    e. Major Criminal Mischiefs
    f. Auto Thefts

B. Videotaping of the scenes of incidents/offenses will be done only after all customary and required "still" photographs are taken. All scenes of incidents/offenses which are videotaped out of doors during periods of darkness will also be videotaped **again** during daylight hours whenever practicable and as soon as possible after the initial investigation is begun. Videotaping of scenes of the following incidents/offenses should be done when practical:

1. Homicide
2. Rape (involved vehicles, course of travel, etc.)
3. Assault causing serious bodily injury likely to result in death
4. Burglary as deemed necessary by the investigator and/or the Chief of Police
5. Arsons involving substantial property damage or injury
6. Other crime scenes as directed by the Chief of Police or Lieutenant
7. Videotaping of fatal/serious injury (likely to result in death) motor vehicle accident scenes will be done at the sole discretion of the on scene traffic supervisor or, in his absence, the "on call" duty supervisor.

C. Video recording of prisoners being monitored while they are detained on station will be done on a routine basis from the time the prisoner(s) enters the holding room until they are removed there from, and at all times in between, i.e. if a person is removed for processing, to use the facilities, etc.

D. Videotaping of **training sessions** and **seminars** will be done at the discretion of the training officer with the consent of the involved instructor or speaker with the approval of the Chief of Police.

E. Requests for videotaping and use of equipment and facilities by **outside** agencies, organizations, businesses or other police departments will be directed to and evaluated by the Chief of Police on an individual basis for his approval.

F. Videotaping of **demonstrations** and **public relations** applications will be approved by the Chief of Police on an individual basis.

IV. DESIGNATED OPERATORS

A. Only designated video camera operators and supervisors will use videotape equipment, cameras, recorders, monitors and facilities for videotaping on station, crime and accident scenes, training sessions and seminars, outside agency requests, demonstrations and public relations applications.

B. The investigating officer of any incident/offense who is also a designated video camera operator will not videotape the incident/offense unless such videotaping will not in any way interfere with or hamper the efficient handling of the investigation. Another video camera operator will be routinely assigned to conduct videotaping of the incident/offense by the supervisor in charge of the investigation.

V. CONDUCT DURING VIDEOTAPING

A. The set of procedures described in this manual have been established in order for each officer using the videotape facilities to act professionally and objectively towards the task. Deviation from procedures will compromise the integrity and authenticity of the videotape subject matter. The professional objectivity of involved officers is a matter for possible scrutiny and attack by intended viewers at a later time.

The demeanor of each officer participating in videotaping is important. Professional handling of persons, events and scenes in all cases is essential. In order to project a professional atmosphere, casual conversation should be avoided. Smoking and eating by officers are also prohibited while video recording is being done. Actions, words and deeds must reflect professional conduct. Personal appearance and uniform neatness of police officers are of utmost importance since this creates a first and lasting impression on the viewer and goes a long way in establishing the credibility and professionalism of the officer.

VI. ESTABLISHING VIDEOTAPE AS EVIDENCE

A. In order to establish the contents of a videotape as evidence in a Court of Law, the camera operator must be prepared to testify and answer questions about:

1. The identity of the subject matter - for example, the defendant, the location of the crime scene, etc.

2. Properly promulgated rules and regulations of the police agency utilizing the videotaping program.

3. The competency and training of the operator of the video equipment.

4. The type of video equipment used, manufacturer, type of lens, lens adjustment, lighting requirements for video camera operation, tape transport speed and how it is controlled, type and quality of the videotape itself.

5. Evidence as to playback before the trier of fact should include the speed of playback and how that speed relates to the speed at which the recording was made.

6. Testimony of an individual stating that the videotape fairly, truly and accurately represents the subject matter of the videotape.

7. Testimony of an individual that the videotape has not been altered and suffers no distortions or non-continuous segments, or if any, the basis for such alterations, distortions or non-continuation.

8. Records confirming the continuity of possession of the videotape after the taping session is completed; in other words, the chain of evidence custody.

VII. VIDEOTAPING OF STATEMENTS

A. The following procedure will be used when videotaping a verbal statement made by a crime suspect, defendant, victim, or witness:

1. Turn on all equipment to be used - camera, recorder, auxiliary lighting, etc., and ensure its functional readiness.

2. Ensure that the correct date is visible in the viewfinder of the camera and will be recorded on the tape.

3. Insert a clean videotape into the camera-recorder.

4. Begin video recording by focusing the camera.

5. The camera operator will then step before the camera and read the following statement:

a. Suspect/defendant introductory statement

SUSPECT/DEFENDANT INTRODUCTORY STATEMENT

"I am _____(Rank/name)_____ of the Springettsbury Township Police Department. Today is _____(Day/date)_____. The time is _____(Time)___. I will be operating a video camera during the interview of ___(Suspect/defendant)_____ who was arrested by _____(Officer)_____ of the Springettsbury Township Police Department for _____(Charge)_____. _____(Suspect/defendant)_____ and _____(Officer)_____ will now enter the room."

- OR -

b. Victim/witness introductory statement

VICTIM/WITNESS INTRODUCTORY STATEMENT

"I am _____(Rank/name)_____ of the Springettsbury Township Police Department. Today is _____(Day/date)_____. The time is _____(Time)___. I will be operating a video camera during the interview of ___(Victim/witness)_____ who will be interviewed by _____(Officer)___ of the Springettsbury Township Police Department regarding ___(Incident/offense)_____. _____(Victim/witness)_____ and _____(Officer)_____ will now enter the room."

6. The camera operator will then prepare to video record the interviewer and interviewee as they enter the room. The camera should be operating as they enter.

7. As the interviewer and interviewee enter the room, the interviewer should state **"Your words and actions are now being videotaped and will continue to be videotaped while you are in this room.** NOTE: It is not necessary to obtain permission from the interviewee to videotape him.

8. The camera should not be turned off for any reason while the interviewee is present in the room. Taping must be continuous, with constant coverage of the interviewee at all times. If, for any reason, the videotaping is not continuous, written notation of same must be made along with an explanation of the appropriate reasons, all of which should be placed in the official police report of the incident/offense.

9. If the interviewee is a suspect, accused or defendant in any criminal action, criminal charge, or criminally culpable incident, or if the possibility exists that the course of the interview will change from the

investigative stage to the accusatory stage, the interviewee **MUST** be advised of the Miranda Warnings at the beginning of the videotaping session while on camera. **"SPRINGETTSBURY TOWNSHIP POLICE- STATEMENT - EXPLANATION OF CONSTITUTIONAL RIGHTS"** (STP #18a) form must be read to the interviewee and completed item by item.

10. The interviewer than proceeds with obtaining the interviewee's statement.

11. If at any time during the interview the interviewee exercises his option to remain silent under the Miranda decision, the interview will cease at that point.

12. At the conclusion of the interview, the interviewer will face the camera and state "The interview of _____(Interviewee)_____ is now completed. Today is __(Day/time)____. The time is ___(Time)__ . The video recorder will now be turned off.

13. The camera operator will turn off the camera, rewind the tape, eject the tape from the camera and submit the tape through normal evidence custody procedures to the Property/Evidence Custodian.

VIII. VIDEOTAPING OF CRIME/ACCIDENT SCENES

A. The following procedure will be used when videotaping the scenes of incidents/offenses:

1. Before any videotaping is begun, ensure that all customary and required "still" photographs have been taken.

2. Video taping of scenes should only be done when practical.
   a. Videotaping will not be done during periods of rain, sleet or snow or at any location where the equipment may be exposed to excessive moisture.

   b. The camera should not be aimed at the sun or other sources of bright light.

   c. Do not leave the camera in direct sunlight, whether it is turned "on" or "off".

   d. Avoid sudden temperature changes which might cause moisture condensation on the tape or inside the unit.

   e. Turn equipment off when not in use.

3. Turn on all equipment to be used - camera, recorder, auxiliary lighting, etc. Ensure its functional readiness.

4. Ensure that the correct date is visible in the viewfinder of the camera and will be recorded on the tape.

5. Insert a clean videotape into the camera-recorder.

6. Begin video recording by focusing the camera on some part of the crime/accident scene.

7. The camera operator will then verbally read the following statement making sure that it will be audible on the videotape recording:

CRIME/ACCIDENT SCENE INTRODUCTORY STATEMENT

"I am _____(Rank/name)_____ of the Springettsbury Township Police Department. Today is ____(Day/date)___. The time is __(Time)___. I will be operating a video camera during the videotaping of _____(Incident/offense)___ which occurred at ____(Crime/accident scene location)_ on ___(Day/date)___ at _(Time)___. The videotaping will not be continuous; the camera will be turned off between segments. The videotaping will now begin."

8. Continue videotaping **all** areas of the scene and provide comprehensive coverage of all physical evidence, involved vehicle, etc., in a similar manner as would be done in taking "still" photographs. Panning (pivotal movement of the camera from left to right or vice versa) is recommended for taping of all scenes. Hold the shot for a few seconds upon completion of panning.

~~9. The camera operator should comment on objects, evidence, movements from area to area, movements from room to room, subject matter of particular significance, locations, changes of locations, etc., as videotaping is continued. Keep in mind that the commentary must be accurate, explanatory and to the point. Refrain from casual conversation, "small talk", and long dissertations. Offer no opinions about the subject matter being recorded. Attempt to caution and control others who may be in close proximity to the videotaping operation while it is in progress.~~

10. The camera may be turned off and back on as needed as the scene is progressively taped. Continuous operation is not required. If the location changes while the camera is turned off, verbally state the new location when taping is again started.

11. At the conclusion of the scene taping, the camera operator will state *"The videotaping of _____(Incident/offense)_____ is now completed. Today is _____(Day/date)_____. The time is ___(Time)_____. The video recorder will now be turned off."*

12. The camera operator will turn off the camera, rewind the tape, eject the tape from the camera and submit the tape through normal evidence custody procedures to the Property/Evidence Custodian.

13. All scenes of incidents/offenses which are videotaped out of doors during periods of darkness will be videotaped **again** during daylight hours whenever practicable and as soon as possible after the initial investigation is begun.

IX. *VISUAL RECORDING OF PRISONERS*

A. All prisoners (persons detained in police custody as a result of "on view" arrests or warrant service) will be monitored and visually recorded through the use of video equipment provided in the Holding Rooms. These systems have no audio monitoring or recording capability.

Note: Visual Recordings of prisoners who are disorderly, belligerent, destructive, injured or ill shall be entered into evidence.

B. Prisoners shall be visually monitored from the time they enter the Holding Room until they are removed there from.

1. It is not necessary to advise prisoners that they are being monitored or visually recorded.

C. The following procedure will be used when monitoring/visually recording a prisoner:

1. Prior to placing a prisoner/in Holding Rooms 1, 2 or 3 the light to the applicable room will be turned on and left on for the duration of the detention. At no time shall the lights be turned off during a prisoner's detention, even if the prisoner makes such a request.

2. Turn on the appropriate CCTV monitor in the squad room to visually monitor a prisoner.
*All TV monitors will be turned off (to include the squad room, receptionist's area and Sergeant's office) unless they are in use.

3. Complete the "Record of Detention- Custody Log".

4. When prisoners are being monitored in any of the Holding Rooms, officers must ensure that members of the general public and other persons on station are not privy to the television monitors. In the event prisoner(s) are being held in any of these rooms, the monitors should be kept out of view of the public and/or the public should be dealt with away from the area the monitors are kept, i.e. the receptionist area, the Sergeants office and the squad room. Measures will be taken in Holding Rooms #1 and #2 to give detainees a reasonable expectation of privacy while using the bathroom facilities. Due to the necessity to monitor prisoners within our custody, the squad room monitors should not be turned "off" when a prisoner is being detained/ monitored. Rather, anyone not authorized to be in the squad room while prisoners are being monitored, should be removed to another area of the department.

5. Discretion will be used anytime a prisoner is being monitored in any of the Holding Rooms to ensure that the persons' detention and personal activities, as a result of that detention, are monitored for prisoner safety, officer safety and evidentiary purposes ONLY.

X. EVIDENTIARY CONTROL OF VISUAL RECORDINGS OR PRISONER MONITORING

A. The following procedure will be used to control and preserve the evidentiary value of all visual recordings or prisoner monitoring:

1. A "Record of Detention- Custody Log" is provided in the squad room. The "Record of Detention- Custody Log" provides blanks for entry of:

   a. Date
   b. Detainee Name
   c. Time In
   d. Time Out
   e. Incident/ Offense
   f. Juvenile
   g. Officer Badge
   h. Holding Room #
   i. Evidentiary Value
   j. Recording Saved By

   The arresting officer will fill in the appropriate information on the "Record of Detention- Custody Log" when a prisoner is monitored and visually recorded in a holding room whether or not the recording is considered "evidence" at the time of the monitoring.

2. Visual recordings of prisoner monitoring will be evaluated by the arresting officer and if the officer determines that the recording has potential value for future use, taking into account all of the surrounding circumstances of the arrest and subsequent detention of the prisoner, the visual recording shall be deemed as evidence.

3. If the visual recording is deemed to have evidentiary value the arresting officer will so note this in the appropriate block of the "Record of Detention- Custody Log."

4. Also, when a visual recording is deemed "evidence", a "Prisoner Monitoring/ Visual Recording Evidence Request Form" will be completed by the arresting officer and forwarded to the Administrative Lieutenant who will be responsible for assuring that the evidence is recorded onto the appropriate media, marked and/or tagged and placed into permanent evidence for future disposition per SOP #82-7 (Protection and Disposition of Evidence, Contraband and Found or Recovered Property.)

5. However, visual recordings of all prisoners who exhibit any of the following conditions or behavior shall be deemed and submitted **as evidence** as listed above:
   a. Mental instability or disorientation
   b. Actual physical injuries or the claim of physical injuries
   c. Disorderly, abusive, unruly behavior
   d. Intoxication or under the influence of alcohol
   e. Under the influence of controlled substances, drugs, medicine, etc.

6. The designated officer given the responsibility of creating the visual recording evidence of an incident/ offense shall make written notation in the incident/ offense report pertaining to the investigation that a recording was made and placed into evidence and will detail its subject matter/ contents on a supplementary report. The designated person will also place their initials on the "Record of Detention- Custody Log" under "Recording Saved By" to indicate that it has been completed.

XI. VIEWING OF VISUAL RECORDINGS BY NON-CRIMINAL JUSTICE AGENCIES/ PERSONS, DEFENSE ATTORNEYS AND DEFENDANTS

A. Visual recordings of interviews, statements and crime/accident scenes may be viewed on station with prior arrangements made through and with the approval of the Chief of Police. Duplication of visual recordings will be done only with written authorization from the Chief of Police. All viewing of visual recordings by non-criminal justice agencies/persons, defense attorneys and defendants will be noted on the respective incident/offense report pertaining to the investigation and will include the date and time viewed, the name(s) of the person(s) viewing, the

organization with which he/they are affiliated and the name(s) of the police officer(s) present during the viewing.

Non-criminal justice agencies/persons who may view visual recordings include:

1. Insurance investigators/representatives
2. Victims of crimes
3. Victims of motor vehicle accidents
4. Public investigative agencies
5. Social service agencies

Defendants charged in criminal actions or civil actions may view visual recordings only when in the immediate company of their respective defense attorneys. Defense attorneys may view visual recordings, however, without the presence of their clients, but only in conformance with above policy and during prescribed times.

XII. *DISPOSAL OF VISUAL RECORDINGS*

A. All visual recordings collected by the CCTV monitoring system deemed NOT to be of significant evidentiary value will be retained for at least thirty (30) days prior to being overwritten.

B. All visual recordings retained for evidentiary value will be held for at least six (6) months prior to being disposed of. These tapes will be disposed of only after:

1. The case has been disposed of by a District Justice or the Court of Common Pleas.

2. The possibility that an appeal will be instituted is extinct.

3. The future use of the visual recording for identification purposes of the defendant is of negligible significance.

4. The possible filing of civil proceedings against an officer or the department for alleged acts of abuse is extinct.

C. **HOWEVER,** all visual recordings which show any physical contact between an officer and a prisoner in any form shall be retained indefinitely.

RIGHT-TO-KNOW CERTIFICATION

The undersigned, as the Right-To-Know Officer for Springettsbury Township, hereby certifies that the attached is a true and correct copy of the original public record as requested by Requestor in the Right-To-Know Request dated June 24, 2013.

Dated: 7/1/2013

John J. Holman, Right-To-Know Officer,
Springettsbury Township, York County,
Pennsylvania

STANDARD OPERATING PROCEDURE
82-1

PROTECTION AND DISPOSITION OF EVIDENCE, CONTRABAND AND FOUND OR RECOVERED PROPERTY

I. PURPOSE

The purpose of this procedure is to provide guidelines in the storing of evidence and property; its chain-of custody, and subsequent disposal.

II. POLICY

The Department comes into possession of an enormous amount of Property and Evidence each year. It shall be the policy of the Department to effectively store, secure and track any movement of these items while in Departmental custody and control. Additionally, diligent monitoring and effective management of this system is paramount to the proper disposal of items in a lawful and expeditious manner thereby creating storage space for new items as they are obtained.

III. PROCEDURES

A. TEMPORARY AND PERMANENT STORAGE OF EVIDENCE

All officers and employees of the Springettsbury Township Police Department who recover or come into possession, custody, or control of any lost, stolen, seized, recovered, or abandoned property, shall be responsible to properly secure and handle such property in conformity with the law and the established procedures of the department.

1. An officer or employee shall not, under any circumstances, manufacture, destroy, improperly remove from an incident scene, or convert to their own use, any evidence or other material found or recovered in connection with the investigation of an incident.

2. An officer or employee coming into possession of any evidence, found or recovered property shall expeditiously transfer such items to the Property/Evidence Custodian.

3. An Officer taking custody of any item of Evidence or Property, subject to being returned to its owner, shall make every attempt to identify the owner/custodian and coordinate the return of the property with the Evidence Custodian.

4. All items of evidence and property will be initially secured in one of the assigned property/evidence temporary storage locations, described herein,

prior to the conclusion of the recovering Officers tour of duty. The Evidence Custodian is solely responsible for the management of these temporary storage locations. As soon as is practicable evidence shall be removed from the temporary storage locations and moved to Permanent or Long Term Evidence Storage until final disposition. Permanent or Long Term Evidence Storage shall be accessible by key/combination and access code, by only the Evidence Custodian or Chief of Police.

B. PACKAGING OF EVIDENCE/PROPERTY

1. As the potential exists for items of evidence to be tampered with, damaged, or destroyed, they must be packaged, in such a manner to prevent the alteration of said evidence. The evidence may be secured in any container or envelope made available in the Temporary Evidence Room. Once the evidence package has been secured, evidence tape shall be attached to the container/envelope covering any openings. The Officer packaging the item(s) must sign their name across the tape and write the current date/time on the tape. If necessary, an adhesive label may be applied to the item on which the officer will sign their name, date, and time.

2. Officers should package other property with consideration to temporary and permanent placement. Items should be placed in manila envelopes, plastic sleeves, and/or appropriate sized boxes or containers. The container should then be marked with the Incident number of sufficient size to be easily recognized.

3. Should an Evidence Custodian be transferred, replaced or relieved of his/her evidence duties, an inventory of all property shall be completed jointly, by the outgoing and incoming Evidence Custodian, when possible.

4. The Evidence Custodian will be under the direct supervision of the Administrative Lieutenant who shall oversee the day-to-day activities involving evidence and seized, recovered, or found property. The Administrative Lieutenant shall complete the following activities:

   a. Perform an annual inspection to determine adherence to procedures used for the control of evidence/recovered property.

   b. Perform an annual audit of evidence/property.

   c. Perform unannounced inspections of evidence and property storage areas as directed by the Chief of Police.

   d. Conduct a complete inventory of all items and records when there is reason to believe that evidence has been tampered with, or if the Evidence Custodian has been removed as a result of questionable practices or irregularities.

e. All evidence and property, which has been seized, confiscated or come into police custody for any reason, shall be documented on a blue Evidence/Property Chain of Custody Report as per the matrix listed below. A copy of the blue Evidence/Property Report shall be submitted with the reporting Officer's daily work.

f. The record of any transaction and/or transfer involving physical evidence shall, at a minimum, include:
   1. name of person possessing the evidence collected for processing or storage;
   2. the date and time of every transaction/transfer;
   3. name of the person receiving the evidence;
   4. reason for the transaction/transfer;
   5. name and location of any laboratory and/or agency where the evidence was transferred;
   6. type of examination(s) requested or the reason for the transfer of the evidence; and
   7. any other pertinent information relating to the transaction/transfer of the evidence.

Evidence / Property Matrix	Alert Property Module	Blue Sheet (Evidence/Property Database)
Lost or Stolen Property	Entry	No Entry
Recovered (Lost & Found) Property (Departmental Custody)	*Entry	Entry
Recovered ***Stolen*** Property (Not in Departmental Custody)	*Entry	No Entry
Recovered ***Stolen*** Property (Departmental Custody)	*Entry	Entry
Recovered ***Stolen*** Property (Retained by Security/Owner)	Entry	No Entry
Found or Seized Property (Departmental Custody)	No Entry	Entry
Evidence (Departmental Custody)	No Entry	Entry

* Entry ***only*** if the property/evidence is entered as lost or stolen from Springettsbury Township.

g. All Evidence, contraband or property must be placed in a designated property/evidence storage location. The location will then be secured and will only be accessible by the Evidence Custodian.

h. All firearms, jewelry, controlled substances and money shall be verified by another Officer prior to being secured in a designated property/evidence storage location.

1. The amount of the items with a detailed description shall be listed on the Evidence/Property-Chain of Custody Report under the box titled "Complete Description". (Ex: 3 clear corner bags of suspected Cocaine, $157 cash etc.)

2. The officer verifying the property shall also sign the Evidence/Property-Chain of Custody Report in the box Titled "Witnessing Officer".

i. Upon receipt of the blue Property/Evidence Chain of Custody Report the data entry operator will make the appropriate entries in the BEAST evidence software. The movement of each item in the custody of the Springettsbury Township Police Department shall be tracked by the BEAST evidence software.

j. All property or Evidence which comes into police custody shall be reported in conjunction with either an Incident Report or Accident Report so that a serial number can be assigned for tracking purposes. Any Officer recovering or seizing items of evidence shall be responsible for the documentation of the circumstances of how and where the evidence was recovered or seized on a Supplemental Report.

k. If evidence or property is taken into police custody as a result of the issuance of a traffic citation, an Incident Report shall be completed detailing the circumstances of the arrest and the subsequent confiscation of the involved property/evidence.

l. Every item of Property/Evidence taken into custody shall have the appropriate Evidence/Property tag affixed to the item.

RED TAG: PROCESSING REQUEST TAG: Any property/evidence to be forensically examined.

WHITE TAG: Any evidence which is being used in a criminal investigation.

BLUE TAG: Any item held for safekeeping which **must** be marked when and to whom to be released; lost and found property; contraband to be destroyed, and date to be destroyed.

m. If item(s) suspected to be of **evidentiary** value, i.e. items suspected to contain latent finger/palm print evidence, footprint evidence, etc. are retained for processing; the following procedure will be followed:

1. The officer reporting the evidence will tag same with a white tag along with a red "PROCESSING REQUEST TAG". Both tags shall be attached to the item or the container in which the item has been placed.

2. The submitting officer will attach a red evidence tag to the Property Report as an indication to the Evidence Custodian that there is evidence in this particular case that will need to be processed. The submitting officer will secure the evidence in one of the designated storage locations until such time as processing may be completed.

3. The Evidence Custodian shall be responsible for making the processing assignment. Upon receiving such assignment the respective Evidence Technician shall complete the evidence processing as soon as possible but, no later than seven days from notification. When processing is complete the Evidence Technician shall complete a Supplemental Report stating what, if any, findings were made. The Evidence Technician shall supply the investigating officer and the Evidence Custodian with a copy of said report. The item(s) of Evidence shall then be secured until such time that final disposition can be made.

4. Evidence from separate cases/incidents will not be intermingled in the same container, and will require a separate tag and Evidence/Property Chain of Custody Report. Items of Evidence from the same case/incident may be packaged together if, by doing so, the evidentiary value would not be compromised.

C. TRANSFER OF PHYSICAL EVIDENCE

1. All entries and retrievals of evidence, property, etc. will be under the supervision of the Property/Evidence Custodian, and will be logged in the BEAST evidence software. All requests for evidence must be made by the arresting officer upon receipt of a subpoena for a hearing or court trial. The requesting officer shall submit a written request for specific item(s) of evidence and stating the purpose of the request. The Evidence Custodian will then secure the item(s) until such time the requesting officer can retrieve them. When the trial or hearing is completed, the arresting officer must return the remaining evidence, if any, to a designated storage

location, secure same and notify the Property/ Evidence custodian. If any item(s) of evidence were retained by the court, it must be noted on a supplemental report, with a copy being forwarded to the Evidence Custodian.

2. Additionally, the arresting officer shall make the appropriate notations on the Chain of Custody Report which is attached to the items of evidence.

3. Property held at the station will be released to the owner during regular business hours (exception: contraband, evidence, or property that cannot be identified as belonging to an owner). The owner must present documents proving identity and ownership. Furthermore, the owner will be required to sign the claimant release area on the Evidence/Property Chain of Custody Report or a Property Release Form, verifying that such property was released to him or her.

4. In the event the property owner is deceased or incapacitated and cannot appear to claim the property, it can be released to the next of kin or designated agent, if ownership of the property is not in dispute. If ownership of the property is in dispute or the actual owner cannot be determined, the claimant must seek a court order to secure release of the property. The court order, or a copy thereof, will be maintained in Departmental records if the property is released.

5. No evidence is to be placed in officer lockers, desks, storage/mail compartments, etc. or any area other than those specifically designated as a Property/Evidence storage location.

6. In all instances an Officer placing an item in the Temporary Evidence Room shall notify the Evidence/Property Custodian what the anticipated disposition of the property will be.

   a. Whenever possession of physical evidence is transferred from one person to another, a record will be made of the transfer, thereby initiating or continuing a chain of custody.

   b. The transfer will be recorded on a Chain of Custody Report **and a Supplemental Report. A Copy of the Supplemental Report shall be immediately forwarded to the Evidence Custodian.**

7. Any discrepancies or issues which may arise regarding the storage of item(s) of property/evidence must be immediately brought to the attention of the Evidence/Property Custodian.

D. SUBMISSION OF EVIDENCE TO OUTSIDE FORENSIC LABORATORY

1. All evidence submitted to a Forensic Laboratory will be submitted in accordance with the regulations of the outside laboratory being utilized. This agency primarily utilizes both the "FBI" and the "Pennsylvania State Police" Crime Lab

facilities and therefore will adopt all policies and procedures outlined in their "FBI Handbook of Forensic Science" and "PSP Crime Laboratory" handbook publications.

a. A "Request for Forensic Analysis" form supplied by the Pennsylvania State Police Crime Laboratory will be utilized when submitting evidence to the PSP laboratory.

b. In the case of submission to the FBI, a written request on Departmental Letter Head following their "request for examination" guidelines listed in their "Handbook of Forensic Science" publication shall be used and shall detail the type of analysis requested.

2. The Platoon Supervisor with the assistance of the Criminal Investigation Unit Supervisor will determine if a specific item of evidence will require forensic processing at an outside Laboratory. The Officer initially retrieving evidence (Initial Officer) shall be responsible for packaging and preparing items for transport to an outside Forensic Laboratory. The Initial Officer may request the assistance of a member of the Criminal Investigation Unit with the packaging of evidence and preparing a "Request for Forensic Analysis" form. Items which require processing outside the Department shall be transported to the respective processing location by a member of the Criminal Investigation Unit, when possible. Other items of evidence which require shipping will be done so in accordance with the outside laboratory policy. When a determination has been made that specific item(s) of evidence shall be sent to an outside Forensic Laboratory the following shall occur:

a. The Initial Officer shall place the package(s) with an attached Forensic Analysis Request form in a designated Property/Evidence storage location, securing same. The Officer will then communicate to the Evidence Custodian the location of the evidence and the need for transport. A copy of the Forensic Analysis Request Form shall be attached to and become a permanent part of the Chain of Custody Report.

b. The Evidence Custodian will release the item(s) from the Temporary Storage location to a member of the Criminal Investigation Unit, who will transport the evidence to the appropriate Forensic Lab and secure a receipt for the property. The transporting officer will ensure that the receiving lab employee signs for the item(s) on the blue property sheet or the appropriate chain of custody area of the Forensic Analysis Request Form.

i. The transporting Officer shall complete a Supplemental Report indicating that the property was transported to the Forensic Lab. A copy of the Supplemental Report shall be placed in the Initial Officer's mailbox. The original Supplemental Report with the attached evidence receipt will be submitted for review.

c. If item(s) have been taken to the Pennsylvania State Police Laboratory, the Investigating Officer will receive written notice via U.S. Mail (PSP evidence pick-up card) when the analysis has been completed.

d. The Investigating Officer shall place the written notice in the pouch attached to the Forensic Analysis locker. During the next trip to transport items to the PSP Forensic Lab, the Detective shall also take the evidence pick-up cards. The Criminal Investigator will then pick-up the item(s) of evidence and return them to the Department. The Detective/Investigator will secure the item(s) in the Temporary Evidence Locker marked "Returned from PSP" or a designated Property/Evidence storage location and complete a Supplemental Report. A copy of the SR will be provided to the Investigating Officer who will determine the final disposition of the property. The Investigating Officer will advise the Evidence/Property Custodian of the intended disposition of the property, in writing, within three days of its return.

E. RECOVERED, SEIZED, OR IMPOUNDED VEHICLES

Recovered, seized, or impounded vehicles shall be secured in accordance with SOP #95-2. When further processing is required, evidence placards will be placed on the vehicle. Any and all evidence processed, photographed, or retrieved from the vehicle will be handled as outlined in this Standard Operating Procedure. An inventory of all vehicles taken into custody by this Department shall be accomplished as described in SOP #95-2, relating to Inventory of Impounded/Seized Vehicles. If a Platoon Evidence Technician is working at the time a vehicle is impounded and further processing is required, it will be the responsibility of the Platoon Evidence Technician to complete the processing. If a Platoon Evidence Technician is not working at the time the vehicle is impounded or processing cannot be completed prior to the end or his/her shift, the shift supervisor shall notify the Criminal Investigation Supervisor of the status of the vehicle and request that the vehicle be processed. Upon receipt of such a request, the Criminal Unit Supervisor will assign an Evidence Technician to process the vehicle. All vehicles shall be returned to the owner as soon as possible, following processing or when the vehicle is no longer of evidentiary value to the Department. Vehicles requiring forensic processing shall be secured in the north garage bay; the overhead garage door shall be disabled and the man-door secured with the attached padlock. Every attempt shall be made to have such vehicles processed and disposed of appropriately in a timely fashion.

F. EVIDENCE/ PROPERTY (HAZARDOUS IN NATURE)

All evidence/property, which is hazardous or potentially hazardous in nature or has the potential to be hazardous will be referred to the Department Hazardous Material Team and subsequently dealt with in accordance with this Procedure after the following has occurred.

A responding officer must always keep their safety and the safety of the general public first and foremost. A package, which may on the exterior appear innocuous, could most certainly contain an explosive device, a toxic chemical, or other material which may be harmful or fatal, if improperly handled!

1. No Suspicious Indicators - Packages/items which are located or presented to the Department, by a complainant, who believes the package/item is suspicious in nature but, upon inspection by the Officer contain no suspicious, markings, odors, powders, or other substances present may be handled as follows:

    a. Advise recipient that the item can be disposed of. If they wish, they can place it in a sealed bag and dispose of it.

    b. If the recipient is too uncomfortable to handle the disposal, an officer should respond. After verifying that there is nothing suspicious about the item, the officer should double bag (plastic bag) the item and return it to the Station. The bagged item should be placed in the temporary evidence room, in the container marked for "NON-SUSPICIOUS ITEMS"

    c. If the officer finds that there is something suspicious, stop and refer to "Suspicious Indicators Found" section of these procedures.

    d. An incident reported titled "Suspicious Materials", UCR Code 3501 shall be completed. (Note in the report that the call was for suspicious materials, and then indicate in the narrative that the report was "unfounded.")

    e. A copy of the incident report must be forwarded to the Administrative Lieutenant prior to the end of your shift. NO EXCEPTIONS!

2. Suspicious Indicators - Packages/items which are located or presented to the Department, by a complainant, who believes the package/item is suspicious in nature and upon inspection by the Officer, found to contain suspicious indicators but no leakage or powder is observed.

    a. Have caller meet you away from the item. (Do not have them bring it to you!) Get as much detail from the caller about the item and why it is suspicious.

    b. Secure scene and contact the Chief of Police and the Administrative Lieutenant for guidance. Response to the incident will be dependent on the suspicious indicators that are present.

    c. Find out who was in the vicinity of the item and have those persons wash their hands with warm soapy water, merely as a precaution. Have all those persons remain on scene with an officer to await further

instructions.

d. Do not let anyone else handle the item and do not let anyone transport the item anywhere unless otherwise directed by the Chief of Police and/or the Administrative Lieutenant.

e. Complete incident report ("Suspicious Materials") and provide a copy to the Administrative Lieutenant prior to the end of your shift. NO EXCEPTIONS!

3. **Suspicious Substance** - Packages which are located or presented to the Department by a complainant which, upon inspection by the Officer, are found to have a suspicious substance present.

a. Have caller meet you away from the item. (Do not have them bring it to you!) Get as much detail from the caller about the item and why it is suspicious.

b. If you are already in the room with the item (this generally should not happen if you follow procedures), try to cover the item, if at all possible, to prevent the substance from circulating into the air (i.e. place a piece of paper over it), then leave the room immediately.

c. Find out who handled the item, who else was present, and where all those people are. Have all such persons (and yourself, if you were in the room) wash hands with warm soapy water immediately to prevent spread of substance. All persons who were in the vicinity of the item should remain on scene with an officer to await further instruction.

d. Secure the area where item is located and do not enter the room/area. Do not allow anyone to transport the item anywhere.

e. Notify the Chief of Police and the Administrative Lieutenant, immediately.

f. Maintain scene security and await arrival of the Chief of Police and the Administrative Lieutenant, who will assess the situation and summon the special response unit if warranted.

g. Complete incident report ("Suspicious Materials") and provide a copy to the Administrative Lieutenant, prior to the end of your shift. NO EXCEPTIONS!

4. In instances where an explosive or incendiary device or what is believed to be an explosive or incendiary device is found.

a. Move all personnel away from the affected area to a distance, at a minimum of three hundred feet and cordon off the site. Evacuate residents in the immediate area.

b. Request the services of a Police Canine, trained in explosive detection.

c. Request the nearest explosive ordinance team via York County Emergency Communications Center.

d. Notify the shift supervisor, Chief of Police, and Administrative Lieutenant via York County Emergency Communications Center

e. Maintain security in the area while avoiding radio and cellular phone usage.

G. DEPARTMENT DESIGNATED STORAGE LOCATIONS

1. The Departmental Temporary Evidence Room contains numerous lockers and storage boxes, all of which will be secured with attached padlocks, when evidence is placed therein. Each Patrolman has an assigned locker, which should be used to secure smaller item(s) of evidence/property. Corporals, Sergeants, Lieutenants and the Chief of Police may use the storage boxes to secure item(s) of evidence/ property. Entry to this area is controlled by key and alarm access code.

2. The Department Vault shall be used to permanently secure sensitive items such as monies, drugs, firearms, jewelry, etc. Access to this area is restricted to the Evidence Custodian by combination and alarm access code.

3. The Department's Permanent Storage locations for things other than those mentioned in #2 above, are located in the basement of the Police Station and the "Corn Barn." Access to these areas are restricted to the Evidence Custodian by key and alarm access code.

4. The south garage bay contains a large metal box, which will be used for the storage of hazardous materials, which can not be stored within the Police Department proper such as paint, flammables, burnt items, etc. The box shall then be secured with the attached padlock. Hazardous materials which pose an immediate threat to persons shall be collected by the appropriate Hazardous Material Team, and be securely stored at a location deemed appropriate depending upon the hazard posed by storing said evidence.

5. Oversized material, which will not fit or which would be inappropriate for placement in the temporary evidence lockers or boxes may be stored in the "Dog Kennels" such as bicycles, large car parts, beer kegs, etc. The kennel must then be secured with the attached padlock.

   Items which may be adversely affected by inclement weather, are sensitive in nature, or would not fit in the dog kennels such as motor vehicles or

large items requiring forensic processing may be secured in the north garage bay. The overhead door must be disabled and the man-door secured with the attached padlock.

6. Two refrigerators are located within the Department's Forensic Processing Lab. The smaller refrigerator may be used for items of evidence requiring refrigeration. The refrigerator must be secured with the attached padlock.

   It shall be the Evidence Custodian's responsibility to move the items from the smaller refrigerator to the larger refrigerator.

   The Forensic Processing Lab. is restricted to Detectives, Supervisors and Evidence Technicians/Custodians by key and alarm code.

7. Any time evidence is obtained and you are unable to secure same in one of the aforementioned temporary storage areas you shall contact the Criminal Investigations Unit Sergeant and if he is unavailable you shall contact the Administrative Lieutenant who will assist in securing the property.

H. DISPOSAL AND/OR DESTRUCTION OF EVIDENCE/PROPERTY

A review of property/evidence which may be purged shall occur every **six** months. When it is determined that a purge of the in-custody property/evidence is necessary, a numerical listing of all items of evidence and property, which are to be **disposed of/destroyed**, shall be forwarded to the Chief of Police, for his approval. The items will be disposed of/destroyed within the guidelines of PA Title 75 Chapter 1511 and the York County District Attorney's Policy for Disposition of Property in Police Custody. The Evidence Custodian will make the appropriate entries in the Evidence Property Database and in D.E.A.S.T. without [illegible] the property has been disposed of.

1. **Evidence** - The item should be held until it has no evidentiary value. No evidentiary value may be assumed:

   a. **No charges filed:** When the statute of limitation on filing charges has passed.

   b. **Convictions:** When a defendant has served out of his sentence or is dead, have passed the statute of limitations and no post conviction motion is pending. Contact the [illegible] prosecutor as Direct Supervisor or [illegible]

   c. **Murder:** Never destroy evidence.

   d. **Guns:** PA Police requires a court order. Report of Firearms requires a NCIC and PFA Check and compliance with the Pennsylvania Firearms Act, as well as any Federal Regulations if a firearm is involved or subject of a crime.

c. **Other:** [illegible]

2. **Claimed Items** with no evidentiary value:

a. The claimant must establish his or her right to receive the property to the satisfaction of the department. The item may require a court order for return.

b. Illegal items should never be returned to owner. When evidentiary value ends, submit list to D.A. for filing of petition of destruction.

c. Otherwise hazardous property (explosives, fireworks, chemicals, etc.) shall not be returned until legal possession requirements have been confirmed and written has been confirmed through the D.A.'s Office.

3. **Abandoned or Unclaimed Property** with no evidentiary value:

a. Tangible items must be held for 3 years (90 days for bicycles).

b. If the item has no value, it may be destroyed after 3 years.

c. A list of tangible items must be submitted to the DA Department of Treasury by the Evidence Custodian. [illegible] The Treasurer [illegible] Any proceeds may be retained by the municipality. [illegible]

4. **Firearms**

a. Firearms in Department custody will be retained for a period of five years. If no claim is made after a period of three years, application will be made through the District Attorney's Office for a Court order of Destruction.

b. No Firearm, other than those in custody for purposes of safekeeping, will be returned without a court order, directing its return.

5. **Pennsylvania Treasury Department (Bureau of Unclaimed Property)**

   The Evidence Custodian will be responsible for communicating with the Pennsylvania Bureau of Unclaimed Property in determining which items will be forwarded to their office.

6. The Evidence Custodian will make the appropriate entries in the Evidence/Property Database and/or the B.E.A.S.T. Software Program when items of Evidence/Property have been disposed of. A Supplemental Report will also be completed and filed with the respective case file.

7. When the owner of an item(s) of Evidence/Property having a value of $10 or more is known, and the item(s) are subject to return to such owner, notification shall be made by the Evidence Custodian of an impending disposition. Such notification shall be in written form, dated, and shall advise the owner that the item(s) are subject to disposition within ninety days.

8. When an Officer makes a final disposition of any item of evidence or property, he/she shall complete a Supplemental Report documenting such disposition and forward a copy of the Supplemental Report to the Evidence Custodian. An entry shall also be made in the Chain of Custody Report and a signature shall be obtained from the property owner/custodian, when appropriate.

   *If it is believed that civil litigation may be pending, the item shall be retained through the appropriate statutory period!

This procedure is to be used in conjunction with all relevant existing departmental policies, procedures, rules and regulations.

Approved by:

David C. Eshbach, Chief of Police

RIGHT-TO-KNOW CERTIFICATION

The undersigned, as the Right-To-Know Officer for Springettsbury Township, hereby certifies that the attached is a true and correct copy of the original public record as requested by Requestor in the Right-To-Know Request dated June 24, 2013.

Dated: 7/1/2013

John J. Holman, Right-To-Know Officer,
Springettsbury Township, York County,
Pennsylvania

STANDARD OPERATING PROCEDURE
#95-2

INVENTORY OF IMPOUNDED/SEIZED VEHICLES

I. POLICY

It is the policy of the Springettsbury Township Police Department that any vehicle, and its contents, seized and/or impounded as a result of an investigation, be protected from theft, destruction, and/or circumstances that would lead to the ruination of the property. It is our intention that said vehicle and contents be maintained safely, so that it can be returned to its rightful owner, in a condition as close as possible to the condition it was in when received by this department. In that regard, any and all vehicles seized and/or impounded by this department will be inventoried, so that a complete and accurate list of the contents of said vehicle can be established and maintained, **and** so that articles of value can be removed from the vehicle and stored for "safekeeping", and eventual return to the owner.

II. PROCEDURE

A. Impounding

Upon the decision of the investigating officer and/or shift supervisor to seize and/or impound a motor vehicle as a result of an investigation, the following steps shall be followed:

1. Contact the designated Township towing service.
2. Determine if the vehicle must be forensically processed.
3. If a determination has been made that the vehicle does not need to be forensically processed, it shall be towed to and stored in the Public Works Pole Barn Storage Building, westernmost bay.
4. If the vehicle must be stored in such a manner to maintain evidentiary integrity and/or requires forensic processing, it shall be towed to the Police Department where the vehicle will be secured in the north garage bay. The overhead door shall be disabled and the padlock secured on the man-door.
5. Unless extenuating circumstances exist, impounded vehicles shall be removed from Township property (or arrangements for same must be made) within 48 hours. <u>If the vehicle is to be processed the impounding officer should mark same appropriately.</u>

vehicle. The owner will sign the appropriate space on the Springettsbury Township Police Department Inventory Report form STP #16c, indicating he has received the property.

3. Any questions the owner has regarding the property that was **alleged** to have been in the vehicle and the property actually inventoried and returned, should be brought to the attention of the shift supervisor and the Chief of Police.

This procedure is to be used in conjunction with all existing departmental policies, procedures, rules and regulations.

Approved by:

David C. Eshbach, Chief of Police

RIGHT-TO-KNOW CERTIFICATION

The undersigned, as the Right-To-Know Officer for Springettsbury Township, hereby certifies that the attached is a true and correct copy of the original public record as requested by Requestor in the Right-To-Know Request dated June 24, 2013.

Dated: 7/1/2013

John J. Holman, Right-To-Know Officer,
Springettsbury Township, York County,
Pennsylvania

STANDARD OPERATING PROCEDURE
2007-002

IN-CAR VIDEO SYSTEM

I. PURPOSE

The purpose of this procedure is to establish Departmental guidelines for the operation and utilization of the digital In-car video system, to ensure the efficient operation of the In-car video system and to maintain the integrity of the subsequent recordings as if used as evidence in a court of law. This procedure will additionally set forth guidelines to maintain the recordings for evidentiary purposes and how recordable media will be rotated and re-utilized if not retained as evidence.

II. POLICY

The Springettsbury Township Police Department acknowledges the fact that the use of In-car video systems allows the Department to accomplish many goals. An In-car video system allows members of the department to more accurately document events, actions, conditions and statements made during incidents. It enhances an officer's ability to prepare reports and present court testimony and improves the training capabilities of the Department. The use of an In-car video system protects the Department and its members from civil liability resulting from wrongful accusations of misconduct and also provides the Department with a visual and audible account of what occurred on any given incident in which the recording was completed.

III. DEFINITIONS

Front Panel: This shall refer to the 1-piece overhead mounted console. This shall include the DVD (digital video disc) drive and hard drive, the processors, and the control panel.

Camera: This shall refer to the front/rear combination color camera mounted in the passenger compartment of the patrol vehicle directly to the right of the vehicle's rear view mirror.

Locking Drive Door: This shall refer to the mechanism which permits access to the DVD drive and permits loading and unloading of DVDs.

DVD: This shall refer to an official Springettsbury Township Police Department DVD bearing a sequential control number. The DVD shall be in the ***DVD+ReWritable*** format and shall bear the Sony label.

Transmitter: This shall refer to the audio transmitter worn by the Officer which provides audio recordings to the DVD.

Significant Event: This shall refer to any non-criminal event recorded on the DVD that may have administrative or evidentiary value and should be reviewed or pulled from the normal DVD rotation. This would include alleged complaints of misconduct against members of the Department.

Evidentiary and Administrative Review DVD Log: This shall refer to a written record kept in order of occurrence, of each DVD that is pulled from service for evidence or administrative purpose. The log shall denote the date, time, DVD number, complaint number, and reason for removal from service.

IV. PROCEDURES

A. The Springettsbury Township Police Department will utilize the Watch Guard DV-1 one piece overhead mounted Digital In-Car Video System in conjunction with a digital 900 MHz wireless microphone.

B. **Authorized Users**- Officers will not use the In-Car Video System until trained in the operation of the device by a qualified trainer and have read and understood this procedure.

C. **Officer Procedures**

1. At the beginning of an Officer's tour of duty he/she will turn on the patrol ignition and wait until the DV-1 In Car Video System is completely booted up. He/She will then enter the main menu on the front panel of the DV-1 In-Car Video System and select the ***Select Officer*** screen.

2. Selecting an Officer:

   i. Press the **Main Menu** button on the Front Panel of the DV-1
   ii. Press the **Select Officer** button on the Front Panel of the DV-1
   iii. Press the **UP/Down** buttons to choose officer name. Press **Page DN/Page Up** to quickly scroll to the next 10 officer names.
   iv. Press **Select** to select officer name.

v. Press **Exit** to exit the select officer screen.
vi. Press **Exit** to exit the main menu.

3. Officers will remove a wireless microphone/transmitter from its docking station located to the right of the front panel in the patrol vehicle to utilize during their shift. Officers should check the battery level at this time to ensure adequate battery life for the duration of their shift. **A red flashing light indicates a low battery**. Each transmitter will have a number which shall be recorded on the Officer's daily log in the appropriate space.

4. Officers shall wear the transmitter on their duty belt at a place that is comfortable and easily accessible or clipped to their epaulet on their shoulder of their uniform shirt or coat.

5. Officers shall then adjust the positioning of the forward facing camera to ensure the camera is pointed out the front of the vehicle. This can be confirmed by looking at the video monitor.

6. The camera's zoom can be adjusted by pressing the ***Auto Zoom, Out, In*** buttons located on the rear of the camera.

7. As a general rule the patrol vehicle should not be driven with the video monitor screen on. The screen should be kept in **Dark Mode** until it is needed to prevent distraction while driving. The screen can be placed into dark mode by pressing the ***Display*** button and then the ***Dark Mode*** button. To exit dark mode press the ***Display*** button again. System will automatically exit dark mode when a record trigger is activated. Upon completion of that record mode, system must be manually placed back into dark mode.

8. When working during the hours of darkness the **Night View** mode shall be activated. This can be accomplished by pressing the ***Night View*** button on the camera.

9. When transporting a prisoner the rear cabin camera shall be activated. This is accomplished by pressing the ***Camera*** button on the front panel. A list of available cameras will appear on the right side of the screen. Press the corresponding button (cabin) to the right of the key label to turn the desired camera **On** or **Off.** Press **Exit** to return to the main screen.

10. Recording a ***Significant Event*:** A significant event can be recorded several ways. A significant event begins when an officer

triggers one of the auto start triggers to begin recording to the DVD. These triggers include:

a. Activating the overhead emergency lights
b. Activating the **In-Use** button located on the transmitter worn by the officer.
c. Manually pressing the ***Record*** button on the front panel.

11. In Vehicle Playback: Officers may review a significant event in their patrol vehicle but must ensure that the unit is returned to the record mode when finished. Officers shall follow the following steps when reviewing previously recorded video.

    a. Press the **MENU** button
    b. Press **HARD DRIVE REVIEW**
    c. Use the **VIDEO CONTROL KEYS** on the Front Panel to select and playback previously recorded video.

12. Officers shall not erase or record over any recordings during their shift.

13. Officers shall immediately report any non-working or apparently malfunctioning In-Car Video System to their supervisor or the OIC at the start of their shift or at any time during their shift when it becomes known to them.

14. Officers shall report when a DVD is full or almost full. The DV-1 will display a warning when a DVD is becoming full.

15. Officers shall not turn off the audio transmitter during traffic stops and other contacts with citizens or offenders.

16. When it becomes apparent to an officer that the recording device will be activated, he/she SHALL ensure that any non police radio volume is turned off.

V. LEGAL REQUIREMENTS

A. Members shall not use the mobile video recording equipment unless acting in the performance of their official duties.

B. Members shall ensure that the visual or audible warning system of vehicle is activated, or the member is otherwise clearly identifiable as a law enforcement officer. This requirement is satisfied if the member is in uniform and operating a marked patrol vehicle.

C. Only oral communications occurring in close proximity to the members may be recorded. This legal requirement is satisfied due to the current range settings of the wireless microphone.

D. Members shall inform, as soon as reasonably practicable, all individuals identifiably present that their oral communications will be or have been intercepted and recorded, if emergency equipment is not activated.

E. Mobile video recording equipment shall not be used to record oral communications inside the residence of any individual unless the member is in fresh pursuit of the individual and deactivation of the equipment would create a risk to officer safety.

VI. DISPOSITION OF DVDs CONTAINING A SIGNIFICANT EVENT OR CRIMINAL EVENT

A. Officers shall report any Significant Event via an Audio/Visual Recording Evidence Request form. The officer will document the date, time, DVD #, vehicle #, subject's name and or registration plate #, and the reason for the request on said form. As a general rule, a significant event will not include summary violations unless circumstances dictate otherwise. The supervisor in charge of the video monitoring system will determine if an event is worth saving to a separate DVD.

B. The corresponding DVD will then be pulled by the supervisor in charge of the video monitoring system who will record said significant event to another DVD to be held as evidence. The new DVD will be returned to the officer with a copy of the Audio/Visual Recording Evidence Request form for the purpose of determining and ensuring that the footage requested was the footage recorded. Once it is determined that all footage is acquired, the disc shall be filed with the original report accompanied by an SR

VII. DVD MANAGEMENT

A. The Springettsbury Twp Police Department will maintain no less than 1000 master DVDs at any given time. This is to ensure that each DVD containing recorded information will be kept for a minimum of two years.

B. The Master DVDs will be numbered in sequential order and will be used in order beginning with the lowest available number.

C. The Master DVD's will be changed on an as needed basis by a shift supervisor.

D. Patrol Officers shall not have access to the locking drive door or the hard drive system (except to view from within the vehicle).

E. It shall be the responsibility of the supervisor in charge of the In-Car Video System to ensure the availability of blank DVDs and to ensure the master DVDs are rotated on a scheduled rotation as determined from time to time.

F. The master DVDs shall be stored in a DVD storage cabinet.

This procedure is to be used in conjunction with all relevant existing departmental policies, procedures, rules and regulations.

Approved by:

David G. Trott, Lieutenant/O.I.C.

Revised 06/2011

RIGHT-TO-KNOW CERTIFICATION

The undersigned, as the Right-To-Know Officer for Springettsbury Township, hereby certifies that the attached is a true and correct copy of the original public record as requested by Requestor in the Right-To-Know Request dated June 24, 2013.

Dated: 7/1/2013

John J. Holman, Right-To-Know Officer,
Springettsbury Township, York County,
Pennsylvania