

 <p>BEL AIR POLICE DEPARTMENT</p> <p>Policies And Procedures</p> <p>Charles A. Moore Chief of Police</p>	<b>CHAPTER: 22</b>
	<b>TITLE: Body Worn Cameras (BWC)</b>
	<b>No. Pages: 8</b>
<p>Rules, Regulations, Policies, Special Orders and Procedures stated in written directives of the Bel Air Police Department are for agency use only and do not apply in any criminal or civil proceedings. They shall not be construed as creating a higher legal standard of care or safety in an evidentiary sense with respect to third party claims. Violations thereof will only form the basis for agency administrative sanctions.</p>	

## Background

The Department has purchased body worn cameras to be issued to uniformed personnel in a phased roll-out.

The BWCs have rechargeable batteries that last for approximately 12 hours.

The Department's body worn camera system is a point-of-view style recording device designed to approximate the vantage point of the recording officer. Recordings will not capture everything that is occurring during an incident (e.g., slight movements or resistance by the subject, or other items that cannot be seen, statements that were not recorded, etc.). Recordings also lack the officer's perception of what is taking place. Members are reminded that the existence of a recording does not decrease the need for them to complete a detailed written report. It is of the utmost importance for members to understand the need for detailed reports when transcribing what was seen, heard, and perceived by members since these may not be captured by the recording.

The BWC system will begin operating in pre-event buffering mode once the camera is powered on and an audible beep is heard. While in pre-event buffering mode, a 30 second continuous loop of video-only recording will be available. Once the BWC is activated, the most recent 30 seconds of video only will be retained, and the BWC will begin recording both video and audio in event mode until the BWC is deactivated. All BWC recordings will be uploaded to a cloud based digital evidence management system (DEMS).

Information captured by the BWCs can be used in multiple ways to benefit the Department, its members, and the community. Recorded materials can be used as evidence in court proceedings, as training materials for law enforcement officers, to improve complaint resolution, and it may be released to the community to enhance public trust in police activities. The system does not analyze biometric or situational awareness data, and does not broadcast live stream video.

BWC recordings are subject to public release pursuant to the Maryland Public Information Act (MPIA), MD. Code Ann. Gen. Provis. §§ 4-401 to 601, and other applicable laws. Recordings will also be released subject to subpoenas and court orders.

### 22:100 - Policy

Members trained in the use of the BWC System will follow the procedures set forth in this document.

### 22:101 - Definitions

**Activation** – Is defined as recording of both audio and video by switching the device from Pre-Event Buffering Mode to Event Mode.

**Pre - Event Buffering Mode:** When powered on, but not activated, the BWC captures video but not audio. The video is not stored into permanent memory until BWC activation. Once activated, the BWC will permanently store the video captured 30 seconds prior to BWC activation, and all audio and video captured until deactivation.

**Body Worn Camera (BWC)** – Is defined as an audio-visual recording device worn on the person of a Department member.

**Deactivation** - To stop actively recording the event and return the device to Pre-Event Buffering Mode.

**Digital Evidence Management System (DEMS)** - A cloud-based storage system used to store all BWC recordings.

**Event Mode** - Actively recording video and audio on the BWC.

**Evidence Transfer Manager (ETM)** – A docking, charging, and data transfer unit.

**Person In Interest** – Is defined as a person having a greater right of access to a recording than the general public as defined by GP§ 4-101.

**System Recordings** – Are defined as audio and/or video captured and uploaded by the BWC.

#### **22:102 - General**

1. BWCs will only be used for official purposes.
2. BWC devices are individually issued and assigned to members.
3. The activation policy contained in this document only applies to members equipped with a BWC and does not place additional requirements on the duties of non-equipped members.
4. BWCs should be activated as soon as possible to ensure as much of the incident as possible is captured.

**NOTE:** If there is immediate danger to the member or others, the BWC should be activated once that immediate danger has been addressed and it has been deemed safe, practical and possible to activate the device.

#### **22:103 - Members**

1. Will only use the BWC system after they have been trained in the use of the system and the Department's BWC policy.
2. Will only use Department issued recording devices and accessories.
3. Will be in uniform or have their badge or the Department's insignia prominently displayed when using a BWC. *Note:* Articles of clothing containing the word "Police" alone, do not satisfy this requirement.
4. Will only use the device assigned to them.
5. Assigned a BWC will wear the device with the power on, using authorized mounting systems, while engaged in patrol functions or other regular field operations.
6. Discovering that they possess another member's BWC will immediately notify their supervisor who will contact the BWC Coordinator for instructions.
7. Will document in the *Narrative* tab of all Incident Reports and Incident Supplements if BWC recordings are available.
8. Will notify a supervisor and document an explanation in the *Narrative* tab of all Incident Reports and Incident Supplements, when the member became aware of a required recording incident that was not recorded.

#### **22:104 - System Recordings**

1. BWC recordings are the property of the Bel Air Police Department.
2. Will not be altered or tampered with in any manner.
3. Will be uploaded to the Department's DEMS without exception.
4. Will not be copied, reproduced, shared, posted, downloaded, or disseminated in any manner unless for an official law enforcement purpose (s).
5. Will only be copied, reproduced, shared, posted, downloaded, or disseminated in any manner absent an official law enforcement purpose when authorized by the Chief of Police.
6. Will not be deleted without authorization from the Chief of Police.
7. Of constitutionally protected activities, may only be used to identify persons present at the activity who are suspected of being engaged in illegal activity, or are in need of assistance.
8. Are accessible to members based upon the member's rank and assignment within the Department.
9. BWC recordings may not be:
  - a. Used to create a database or pool of mugshots.
  - b. Used as fillers in photo arrays.

- c. Searched using facial recognition software. **Exception:** Recognition software may be used to analyze the recording of a incident when a supervisor has reason to believe that a specific suspect or person in need of assistance (22:106 – 7) may be the subject of a particular recording.

#### 22:105 - Device Testing and Support

1. Members will perform a BWC function test at the beginning of each shift.
2. Members discovering a BWC is malfunctioning, at any time, will immediately report the issue to the members supervisor.

#### 22:106 - Public Notifications

1. Members shall notify individual(s) they are being recorded as soon as possible, unless it is unsafe, impractical, or impossible to do so. **Exception:** Unless otherwise exempted by law.
2. When notification is delayed, it will be given once it is safe, practical, and possible. **Note:** These provisions are satisfied even if another individual becomes a party to the communication after the initial notice has been provided.

#### 22:107 - Required BWC Activation

1. Members wearing a BWC will activate the device as soon as possible unless it is unsafe, impractical, or impossible.
2. The device will be activated in the following circumstances whether or not they are engaged in a call for service:
  - a. Enforcement or investigative activity (*e.g.*, traffic stops, searches, pursuits, arrests, field interviews, stop and frisk situations, etc.).
  - b. Other activities of a potentially confrontational nature.
  - c. Emergency vehicle operations.
  - d. Custodial transports.

#### 22:108 - Prohibited Uses of BWCS

1. Non-duty related personal activities.
2. Within 500 feet of bomb threat scenes. **Note:** The device must be powered off at the controller/battery pack.
3. During in depth interviews with sexual assault victims beyond the initial call for service assessment.
4. Interactions with confidential informants.
5. To capture the strip search of an arrestee.
6. During court proceedings, unless an on-view incident occurs.
7. To capture legally privileged communications (*e.g.*, attorney/client, doctor/patient, etc.).
8. Surreptitious recording. **Exception:** Those specifically allowed by law.
9. Private conversations and administrative activities among Departmental personnel. **Exception:** During authorized training sessions as directed by an instructor.
10. Outside the State of Maryland.

**Note:** When a prohibited use of the BWC is encountered during an active recording, members will deactivate their BWC when it is safe, practical, and possible to do so.

#### 22:109 - Discretionary BWC Uses

1. Members wearing a BWC have the discretion to activate the device during any legitimate law enforcement contact if the member believes a recording of an incident would be appropriate (*e.g.*, transports of people of the opposite sex, advising of Miranda rights, etc.).
2. In order to preserve the dignity of our citizens, members will exercise good judgement prior to the discretionary use of the BWC during situations where a heightened expectation of privacy exists (*e.g.*, restrooms, locker rooms, etc.).

**22:110 - BWC Deactivation**

1. When deactivation circumstances exist, the member will deactivate the BWC as soon it is safe, practical, and possible to do so.
2. Once recording has been activated, members shall not end the recording until one of the following occurs;
  - a. The event or encounter has fully concluded.
  - b. The member leaves the scene and anticipates no further involvement in the event.
  - c. A supervisor has authorized that a recording may cease because the member is no longer engaged in a related enforcement, investigative, or transportation activity.
  - d. When a prohibited activation circumstance is encountered.
  - e. When the member's video must be played back in the field.
  - f. Required activation circumstances no longer exist, or did not exist, and the member has determined that.
  - g. A heightened expectation of privacy exists, and deactivation is necessary in order to preserve the dignity of our citizens (e.g., locker rooms, restrooms, etc.).
  - h. An accidental activation has occurred.
  - i. A victim, witness, or other individual wishes to make a statement or share information, but requests not to be recorded or refuses to be recorded. **Note:** During these situations' members may deactivate their BWC in order to obtain the statement or information, and then start recording again when the statement or information has been obtained.
  - j. As directed by an instructor during an authorized training session.

**22:111 - Secondary Employment**

1. Members may use their Department issued BWC while engaged in authorized uniformed secondary employment. **Note:** It is the member's responsibility to ensure the BWC device is fully charged prior to beginning their next tour of duty.

**22:112 - Classifications and Uploading**

1. All recordings will be labeled with the proper identification (ID), title, and category (see the below chart) by the uploading member.
2. Members **will** ensure:
  - a. The appropriate central complaint (CC) number is properly (*i.e.*, no hyphens or spaces will be used) entered in the *ID* field. **Exception:** Nine zeroes (*i.e.*, 000000000) will be placed in the /0 field for recordings that are not associated with an incident.
  - b. Officers will also enter a brief description (*e.g.*, accidental recording, desk officer prisoner check, CEW Spark test, etc.) in the *Title* field in these instances.
  - c. Any related CC numbers are entered in the *Title* field (*e.g.*, related incidents, warrants, etc.).

**22:113 - Categories and Retention of Recordings**

1. The BWCS administrator shall archive recorded digital media on a designated server and shall retain recordings using the following retention schedule:
2. All videos are required to have a category assigned to them for retention purposes.
3. The following retention schedule will be stored in Axon evidence:

Category	Retention	Use
1.Miscellaneous & Non-Criminal	18 Months	Field Interviews, Non-Criminal calls & Accidental Recordings
2.Traffic Enforcement	18 months	Non-Jailable and Non-Arrestable traffic stops

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3.Misdemeanors & Serious Traffic	3 Years	All Misdemeanors, Jailable and Arrestable, and Crashes
4.Felony Miscellaneous	10 Years	All Felonies not listed in # 5
5.Felony Specified	Indefinite	Homicide, Rapes, First & Second Degree Sex Offenses
6.Administrative Investigations	5 Years	Use of Force Incidents, Pursuits, and Unusual Occurrences
7.CEW Compliance	5 Years	Subject becomes compliant without discharge of a Conducted Electrical Weapon (CEW)
8.Training or Testing	18 Months	CEW Spark Tests, Authorized Training, Function Checks
9.Administrative Restriction	5 Years	See *
10.Pending Review	Indefinite	See **

\* A secondary category used to restrict access to a recording. The appropriate primary category must also be selected. **NOTE:** When this category is selected, the member will no longer be able to view the recording once it is uploaded, unless they have permission to view restricted recordings.

\*\*Members will notify their corporal or sergeant when categorizing a recording with a restricted category.

### 22:114 - Reporting and Documenting

1. The reporting officer shall note in the incident report and in any charging documents that the recording exists whenever a Body Camera recording is made of an event that results in a police report.
2. The officer shall upload all Body Camera recordings at least once during their four (4) day tour of duty, preferably on the last day of the tour, or ordered to do so by a supervisor.
3. The officer shall be responsible for properly categorizing the recording prior to the upload.
4. A supervisor may immediately take custody of the Body Camera and shall be responsible for docking the camera for upload in a critical incident (such as an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death).

### 22:115 - Internal Access, Review, and Use of Recordings

1. Officers shall have timely and ongoing access to recordings and the logs of their recordings.
2. An officer may review a Body Camera recording for any work-related reason, including but not limited to:
  - a. Ensuring the Body Camera system is working properly;
  - b. Assisting with the writing of a report or other official document;
  - c. Reviewing and critiquing the officer's own performance;
  - d. Preparing for court; and
  - e. Responding to a civil suit, criminal investigation (if the officer is the subject of the investigation), citizen complaint, or administrative complaint.
3. The officer shall have the ability to review the officer's Body Camera recording of the subject incident prior to making a statement.
4. An officer may utilize the Axon View mobile device application for the following purposes:
  - a. Review recorded videos; and
  - b. Add notes pertaining to the video.
5. Officers shall not add metadata, other than notes, in the Axon View mobile device application.
6. Officers shall not alter the case ID or category designation of any video (modifications will be made by the BWCS administrator or their designee).
7. Recordings may be reviewed:
  - a. By a supervisor;
  - b. By the BWCS administrator or designee for compliance reviews of Body Camera usage; or

- c. By a person authorized by the Department participating in an official investigation such as a formal personnel complaint, administrative inquiry, or a criminal or civil investigation.
8. An officer is involved in a reportable use of force incident:
  - a. An officer is injured during the performance of the officer's duty;
  - b. An officer is involved in a vehicle pursuit;
  - c. An officer is involved in a departmental vehicle crash; and
  - d. When the supervisor is investigating a complaint.
9. An officer's supervisor may use the recordings to address performance when cause exists.

**22:116 - Corporals / Sergeants**

1. Ensure restricted categories have been appropriately applied.
2. Have access to their recordings, and other members' non-restricted recordings within their command.
3. May access recordings for the following purposes in addition to those listed in Access to Recordings
4. Complaint investigation and resolution.
  - a. Administrative investigations.
  - b. Pursuant to an established Performance Enhancement Plan (PEP).
  - c. To further collaborative operational needs.
5. Are restricted from accessing recordings for the purpose of:
  - a. General performance review.
  - b. Routine preparation of performance reports.
  - c. Searching, without cause, for policy violations to initiate disciplinary action.
6. May share recordings with other members, and the State's Attorney's Office (SAO) as necessary

**22:117 - Deputy Chief**

1. Have access to all recordings, including restricted recordings.
2. May access recordings for the following purposes in addition to those listed for corporals and sergeants.
  - a. Identifying training needs.
  - b. Incident critique.
  - c. Administrative Procedures.

**22:118 - Internal Affairs Section (CID)**

1. Have access to all recordings.
2. May review any recording in the event of an alleged violation of law, or administrative procedure.
3. Ensures that members and their representatives are given the opportunity to review all related recordings prior to providing a statement during an administrative investigation.

**22:119 – BWCS Administrator**

1. Has access to all recordings.
2. May access recordings for the following purposes:
  - a. BWC recording system administration.
  - b. Extending retention.
  - c. Sharing of recordings beyond those available to field personnel.
  - d. Reassigning ownership of recordings.
  - e. Selecting/removing a restricted category.
  - f. Pre-deletion review.
  - g. BWC policy compliance, including:
    - Categorization.
    - Titling.
    - Tagging.
  - h. Recording release requests, including:

- Maryland Public Information Act (MPIA).
  - Subpoenas.
  - Court Orders.
- i. Redaction and reproduction processing, including:
    - *Publicly Releasable*.
    - *Person in Interest Releasable*.
    - *Non-Releasable*.
  3. Other Departmental needs as directed by the TCS Commander or Chief of Police.
  4. Receives, reviews, and processes requests to produce BWC recordings from court orders and subpoenas.
  5. Receives, reviews, and processes public requests for copies of BWC recordings in accordance with the Maryland Public Information Act (MPIA), MD. Code Ann. Gen. Provis. §§ 4-401 to 601.
  6. Estimates, collects, and processes fees associated with request fulfillment in accordance with the MPIA.
  7. Releases authorized and redacted recordings consistent with this policy and applicable law.
  8. Sends a denial letter, explicitly stating the reason, if the release of a recording is not authorized.

### **22:120 - Monthly Compliance Reviews**

1. The BWCS Administrator or designee shall conduct monthly compliance reviews of recordings consistent with those specifications in the BWC Audit Report to ensure compliance.
2. Recordings from one authorized user from each shift will be selected on a rotating basis to ensure that recordings of every officer are reviewed for compliance.

### **22:121 - Deleting a Recording**

1. If an officer activates a Body Camera inadvertently generating a recording of a prohibited use or that which is not a law enforcement-related encounter or activity, the officer shall notify his or her supervisor as soon as the recording is discovered.
2. The supervisor shall submit a form 37 to the BWCS administrator detailing the nature of the incident and make a formal request to have the video deleted.
3. The BWCS administrator or the Deputy Chief of Police will delete the video after following established policy.
4. Rights for deletion of recorded Body Camera videos shall only be designated to the deputy chief of police and the BWCS administrator.
5. Prior to placing the videos in the deletion queue, an Inter-office Correspondence must be submitted through the chain of command. Final deletion authority is granted by the Chief of Police.

### **22:122 - Records Requests and Release of Recordings**

1. The Records Section will release to the public or through subpoenas and summonses Body Camera recordings according to the Public Information Act described in this *Policies & Procedures Manual*.
2. The Records Section shall maintain a log of all requests for Body Camera recordings.
3. The Records Section shall release recordings of an officer's death or injury only for compelling law enforcement-related reasons or in situations where the release is required by law.
4. Department personnel may disseminate Body Camera recordings only with written permission from the Chief of Police.
5. A sworn supervisor may use recognition software to analyze the recording of an incident when a sworn supervisor has reason to believe that a specific suspect or person in need of assistance may be the subject of a recording.

**22:123 - Inspection and Maintenance**

1. Officers shall perform a function test of the BWCS before going into service at the beginning of each shift to ensure that the Body Camera is operating properly.
2. Officers, who discover a BWCS malfunction during the function check or at any time, shall promptly report the malfunction to a supervisor.
3. The supervisor shall immediately notify the BWCS administrator or designee and will track repair or replacement.

**22: 124 - Training Requirements**

1. Officers and supervisors shall undergo initial training before they are approved to use the Body Camera.
2. Training will include, but will not be limited to:
  - a. Operation of the Body Camera; and
  - b. A review of policy and laws.

**22:125 - Chief of Police**

1. Has final authority regarding duplications, redaction, release, and deletion of recordings.
2. Designates a BWCS Administrator within the Department to act on his/her behalf.
3. Has access to all recordings, including restricted recordings.
4. May access recordings for the following purposes in addition to those listed for corporals and sergeants to:
  - a. Identifying training needs.
  - b. Incident critique.

**22:126 – Policy Violations**

1. Violations of this policy will be subject to disciplinary action consistent with the Chapter 5 (Conduct) Policy Discipline Matrix.

**APPROVED:**



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Charles A. Moore, Chief of Police

Date: 1/24/20

**END**