



BODY WORN CAMERAS

.01 Purpose:

Body-worn cameras, which an increasing number of law enforcement agencies are adopting, represent one new form of technology that is significantly affecting the field of policing. Law enforcement agencies are using body-worn cameras in various ways: to improve evidence collection; to strengthen officer performance and accountability; to enhance agency transparency; to document encounters between police and the public; and to investigate and resolve complaints and officer involved incidents.

The purpose of this policy and standard operating procedure is to provide all agency personnel with instructions on when and how to use body-worn cameras [BWCs] so that they can record designated encounters with the public in accordance with existing law and to preserve those recordings in accordance with this agency's policy and procedure and applicable law.

BWCs will be used to record, as OBJECTIVELY as possible given the current state of available technology, certain events and capture certain data as defined by this policy and procedure.

Those events and that data will be preserved in either a web-based digital storage facility and/or in a local digital storage system maintained and managed by the Bladensburg Police Department.

These recordings are protected with multiple layers of system security and, once captured by the BWC the recordings shall not be altered/edited/deleted or otherwise changed except as authorized in this policy and procedure.

.02 Policy:

The Bladensburg Police Department recognizes that the purpose of utilizing audio and video technology to record police interaction with the public serves to improve evidence collection, strengthen officer performance and

accountability, and enhance agency transparency and public trust, document encounters between police and the public and to investigate and resolve complaints and officer involved incidents. The purpose of this policy is to provide all Department personnel with guidance on how and when to utilize audio and video recording devices, as well as providing proper procedures for the care of recordings made by these devices.

.03 Governing Legislation and Reference:

Maryland General Provisions §4-205 (a) (1), §4-351

Maryland Court and Judicial Proceedings §10-402

Maryland Public Safety Article §3-511

Senate Bill 482- Public Safety- Law Enforcement Officers-Body-Worn Digital Recording and Electronic Control Device

Maryland Public Information Manual (14th ed.: October 2015)

Department of Corrections Memorandum dated February 16, 2017 in reference to use of Body Worn Cameras.

.04 Terms:

ACCIDENTAL/UNINTENTIONAL RECORDING: BWC recording that was inadvertently made and has no evidentiary value or official purpose as specified in this policy and procedure.

ACTIVATION: Any process that causes a BWC to record, transmit or store video/audio data.

BODY WORN CAMERA (BWC): A device, issued by the Department, worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications.

“BWC” RECORDING: Any audio-video signal recorded by and digitally stored on a body-worn camera or recorded by a body-work camera, downloaded to and stored on the agency’s BWC storage system as described in this policy. “BWC” recording also refers to metadata as defined in this policy.

DATA: For the purpose of this policy, the word “data” is used to describe any audio-video signal recorded by and digitally stored on a BWC or recorded by a BWC, downloaded to and stored on the agency’s BWC storage system as described in this policy and procedure. “Data” also refers to metadata as defined in this policy.

DISCRETIONARY BWC ACTIVATION: Using a BWC to record an event during circumstance when an officer determines that doing so would be beneficial to the public interest and is not otherwise prohibited.

DOWNLOADING RECORDINGS: The process of transferring recorded video and audio from a BWC to the Department’s secure BWC recording retention file system.

EVIDENTIARY RECORDING: Any BWC video or audio recording of an incident/encounter that is relevant to an administrative, civil or criminal investigation.

FREEDDOM OF INFORMATION ACT: The Freedom of Information Act (FOIA), 5 U.S.C. § 552, is a federal freedom of information law that allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States government.

MALFUNCTION: Any instance in which the BWC and /or components fails to function normally, satisfactorily or according to the manufacturer’s specifications

MANDATORY BWC ACTIVATION; The requirement to use a BWC to record an activity that is investigative or enforcement of nature, between an officer and a member of the public, an encounter that becomes confrontational, any other recording that is permissible under law and required by the Department’s BWC policy.

MARYLAND PUBLIC INFORMATION ACT: The Maryland Public Information Act (MPIA), GP §4-103 is the state freedom of information law that allows for the full or partial disclosure of previously unreleased information and documents controlled by the state, county and local governments.

METADATA: Information, generally not visible when an electronic document is printed, describing the history, tracking or management of the electronic document, including information about data in the electronic document that describes how, when and by whom the data is collected, created, accessed, or modified and how the data is formatted. (See GP 4-205 (a) (1) of the Maryland Annotated Code.)

ORAL COMMUNICATION: Any conversation or words spoken to or by any person in private conversation.

PROHIBITED BWC ACTIVATION: Using a BWC to record agency personnel during routine administrative activities or non-work related personal activity or to record where otherwise prohibited by law or official policies.

PUBLIC RECORD: An original or copy of any documentary material that is made by a unit or an instrumentally of the State or political subdivision, or any original or copy of any documentary material that is received by a unit or an instrumentally of the State or political subdivision.

RETENTION SCHEDULE: The length of time each BWC recording will be retained by the Department as an active record for one or more of the reasons enumerated in this policy.

REDACTION: The process by which a BWC recording is “edited”, in order to blue/make indistinct or camouflage an individual’s image or other image determined by the agency to be sensitive or confidential.

“TAGGING” of recordings: The process by which the BWC user annotates each recording with information that will categorize the recorded incident for later search/retrieval purposes, prior to downloading the recording to the agency’s data storage system. The term *tagging* and *bookmarking* are synonymous.

THE DEPARTMENT: The "Department" refers to the Town of Bladensburg Police Department.

.05 Training:

The Commander of Operations will ensure that all officers receive training in the use and care of BWCs and departmental policy prior to use in the field. At a minimum, the training will include:

1. General operation and care of the issued BWC
2. Notification requirements, including attempts to communicate notifications to persons with physical, intellectual/developmental disabilities and individuals with limited English proficiency.
3. Proper techniques for performing function tests
4. Malfunction reporting procedures
5. Tagging/Bookmarking procedures
6. Downloading functions
7. Mandatory BWC activations
8. Prohibited BWC usage
9. Discretionary BWC usage
10. Procedures to obtain BWC data for court purposes

.06 Deployment:

It is the intent of the Department to utilize BWCs wherever lawful, practical and useful.

BWCs shall be issued to and utilized by:

1. All officers assigned to the Patrol Division
2. Officers assigned to the COPS Division
3. Other officers as directed by the Chief of Police
4. Only Department issued BWC shall be utilized by officers.

.07 Functionality

A. Function Test [PS 3-511 (1)]

At the beginning of each shift, officers shall perform a function test of each BWC system assigned to them, in accordance with the manufacturer's instructions and consistent with their training.

B. Malfunction Reporting [PS 3-511 (2)]

If, during the function test or at any other time, the officer discovers that a BWC is not operating properly or is damaged, the officer shall promptly report the problem in the following manner:

1. Notify the shift commander or immediate supervisor
2. Complete a request for repair
3. If spare BWCs are available, the shift commander may issue replacement equipment if appropriate.

.08 BWC Usages

Activation requirements apply to on-duty personnel and officers working law enforcement secondary employment. However, this is not intended to prohibit the lawful use of BWCs by off-duty officers.

Unless doing so is unsafe, impossible or impractical; officers will state their name and the purpose of the activation upon activating a BWC. At the conclusion, the officer will state the reason for deactivation.

1. Mandatory Activation [PS 3-511 (3)]

Subject to paragraph "d" of this subsection below, officers shall begin recording with their BWCs in the below circumstances, unless doing so would be unsafe, impossible or impractical. If officers are unable to begin recording with the BWC due to circumstances making it unsafe, impossible or impractical to do so, officers shall begin recording with the BWC at the first reasonable opportunity to do so. It is the Department's intent to record as much evidence as possible, therefore, BWC activations in this policy, unless specifically noted, require BWC activation whenever possible.

Required Activations include:

- a. At the initiation of a call for service or other activity that is investigative or enforcement in nature, or an encounter between the officer and a member of the public that is investigative or enforcement in nature
- b. Any encounter that becomes confrontational after the initial contact
- c. Prisoner transports
- d. **EXCLUSIONS:** When victims, witnesses or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, officers may turn off the BWC in order to obtain the statement or information. If the encounter begins when the BWC is not actively recording, the officer **may**, but is **not required to**, activate the BWC for the sole purpose of documenting the refusal to be recorded.

2. Prohibited Activation [PS 3-511 (4 and 16)]

A law enforcement officer shall not knowingly activate a camera to record:

- a. Agency personnel during routine activities;
- b. Non-work related personal activity;
- c. Undercover officers or confidential informants, without their consent;
- d. As otherwise prohibited by law.

3. Discretionary Activation [PS 3-511 (5)]

When not otherwise prohibited by law or agency policy, officers may begin recording with their BWC in circumstances where they determine that doing so would be in the public interest.

4. Ending a Recording [PS 3-511 (7)]

Once recording with a BWC has been initiated, officers shall not end the recording until:

- a. The event or encounter has fully concluded; or
- b. The officer leaves the scene and anticipates no further involvement in the event; or
- c. A supervisor authorizes that a recording may cease because the officer is no longer engaged in a related enforcement or investigative activity; or
- d. When witnesses, victims or other individuals wish to make a statement but refuse to do so while being recorded.

.09 Notification and Privacy [PS 3-511 (6)]

- a. Except as otherwise exempted by law, a law enforcement officer shall immediately notify, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical or impossible to do so.
- b. The notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided
- c. Officers will make reasonable attempts to convey the message that recording is in progress to persons with physical, intellectual/developmental disabilities and individuals with limited English proficiency.

10. Reporting Requirements

1. Whenever a BWC recording is made of an event that results in a police report being written, the reporting officer must note in the report that the recording exists, if known.
2. Officers will ensure that they are properly logged in to the BWC assigned to them so that proper metadata is recorded. This includes loaner BWCs.

.11 Data Storage and Access

1. Data transfer for storage [PS 3-511 (10)]

- a. Officers are responsible for tagging video for cataloging prior to uploading.
 - b. Uploading will be conducted in a manner consistent with manufacturer's instruction and consistent with departmental training.
 - c. Officers are responsible for uploading data to the appropriate server. First line supervisors will ensure that the uploads are conducted in accordance with this policy. Uploads are required:
 - 1. Whenever BWC data storage is full
 - 2. At least daily if the device contains data that is evidence
 - 3. Normally daily, but not to exceed 48 hours from the time of the recording, if the device contains any non-evidentiary data
 - 4. When instructed to do so by a supervisor.
2. Data Security and Confidentiality [PS 3-511(9)]
- a. Leased or purchased BWC equipment and all recordings are the property of the Department, and only BWC equipment utilized by the Department shall be utilized.
 - b. The Department shall maintain an unedited copy of all recordings on the secure server until deletion is performed as outlined in the retention schedule.
 - c. Except as authorized by agency policy: copying, releasing, altering, erasing or allowing unauthorized viewing of an agency video (or portion thereof) is prohibited.
- d. The use of non-departmentally owned devices to duplicate, copy or transfer data is prohibited.
 - e. EXCEPTION: The Shift Commander may authorize an officer to use legitimate, lawful means to transmit an image from one BWC to other officers in the field for the purpose of:
 - i. Identifying, locating and/or capturing a fugitive or suspect presently at large during an ongoing incident; or
 - ii. In conjunction with an ongoing, bona fide missing persons investigation
- In such case, the image will be treated as "law enforcement sensitive" and will be deleted from all non-official devices at the conclusion of the incident.
- i. Server access is restricted to the Administrative Services Commander, Technical Services Manager, and individuals authorized by the Chief of Police in writing.
 - ii. Access to the BWC server will be recorded as described below.
3. Review of Recordings [PS 3-511 (11)]
- a. Review of video is permissible but not limited to:
 - 1. Report writing or preparation of official documents
 - 2. Court preparation
 - 3. Review of prosecution evidence
 - 4. Victim/Witness/Suspect statements
 - 5. Crime scenes
 - 6. Administrative Investigations
 - 7. Training
 - 8. Performance Review

- 9. Incident critique
- 10. Maryland Public Information Act
- 11. Policy Compliance
- 12. Disclosures required by law

- b. Access to the stored data shall be recorded to include:
 - 1. The name of the individual conducting the review
 - 2. The date, time and duration of the review

4. Administrative Review

Recordings may be reviewed for administrative purposes by management for any legitimate matter, including, but not limited to:

- a. To review evidence;
- b. To participate in an official investigation such as a personnel complaint, administrative inquiry or a criminal/civil investigation;
- c. To assess training needs;
- d. To assess technical needs with the BWC program;
- e. To ensure usage and proper activation of BWCs in relation to this policy

BWC recordings shall not be routinely reviewed for the express purpose of discovering policy violations or as a performance measuring tool. It is NOT the intent of the Department to review digital evidence solely for the purpose of general performance review, for routine preparation of performance reports, or to discover policy violations in order to initiate disciplinary action.

5. Additional Considerations

A BWC recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance

- a. The stored video and audio data from a BWC may not:
 - 1. Be used to create a database of pool of mug shots
 - 2. Be used as fillers in photo arrays
 - 3. Be searched using facial recognition software

This subsection does not prohibit an agency from using recognition software to analyze the recording of a particular incident when a supervisory law enforcement officer has reason to believe that a specific suspect or person in need of assistance may be subject of a particular recording

6. Dissemination and Release of Recordings

BWC recordings will be released as required by the MPIA or other governing law. Maryland Public Information Act and Freedom of Information Act requests for video shall be directed to the Chief of Police, via the Custodian of Records.

Requests for dissemination of BWC recordings to the State's Attorney's Office will be authorized through a request to the officer or program administrator.

.11 Retention of Recordings [PS 3-511 (12)]

- 1. All BWC recordings shall only be downloaded and stored on storage devices/medium servers or remote internet sites that have been specifically approved by the Bladensburg Police Department.

2. Once "tagged" and downloaded into the agency's BWC recording files, the shall be considered to be IMPOUNDED, i.e. under direct control of the Bladensburg Police Department. The original, UNEDITED BWC recording will be retained in the agency's BWC recording file according to Section X – H. Retention of BWC Recordings of this policy and procedure;
3. ALL BWC recordings are the SOLE property of the Bladensburg Police Department. No BWC recording may be accessed, reviewed, erased, destroyed/deleted, edited/modified/changed/altered, tampered with, copied, or disseminated without the expressed authorization of the Head of the agency or his/her designee.
4. BWC recordings shall normally be used only for official law enforcement purposes: exceptions may be authorized, in writing, by the Chief of Bladensburg Police Department.
5. All stored/impounded BWC recordings shall only be copied, shared, disseminated, after a member has received written approval of his/her supervisor, or command official.
6. It is strictly prohibited for any member of the Bladensburg Police Department to:
 - i. view BWC recordings for anything other than official law enforcement purposes;
 - ii. download or convert any BWC recording for personal use;

original, UNEDITED BWC recording

- iii. post any BWC recording on any social media site;
- iv. share/disseminate/release any BWC recording except as permitted in this policy and procedure.

7. BWC recordings shall be retained by the Bladensburg Police Department for a minimum 18 months unless the department deems it necessary to retain the recordings for a longer period of time.

A recording will be retained for a longer period of time provided that the officer, supervisor, state's attorney or other involved party provides notice within 180 days or unless otherwise ordered by a court of a competent jurisdiction or by the Chief of Police.

.12 Violations [(PS 3-511 (14))]

Officers found in violation of this policy may be subject to discipline as outlined in the General Orders.

.13 Transparency [PS 3-511 (17)]

This policy shall be made available to the public upon request.

HISTORY: Adopted November 3, 2017

This General Order supersedes all other orders and memoranda in conflict therein

Authority;



Tracy D. Stone
Chief of Police