

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



Title: Body Worn Cameras		Number: 643C
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X New	Amends	Rescinds
Authority: Chief Antonio DeVaul		Total Pages: 9

I. Purpose

To establish policy and procedures for the use of Body Worn Cameras (BWC) pursuant to the minimum standards established by the Maryland Police Training Commission in accordance with both Maryland Public Safety Article §3-511 and Courts and Judicial Proceedings §10-402.

II. Policy

- A. It is the policy of the Department to utilize BWC for the purpose of accurately documenting events, actions, conditions, and statements made during community member contacts, calls for service, arrests, and other serious incidents.
- B. Video and/or audio recordings will be utilized to enhance criminal/traffic reporting, evidence collection, investigations, prosecution, evaluation, and training.
- C. Officers violating this General Order by be subject to discipline.

III. Definitions

- A. Body-Worn Digital Recording Device – a device worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications. It is commonly referred to as a Body-Worn Camera (BWC).
- B. Recording – the audio and visual record made by the Body Worn Camera System. The current departmental issue BWC has a 30-second visual pre-record memory before the system is activated. Once activated the system records audio and video.
- C. Oral Communication – any conversation or words spoken to or by any person in private conversation

IV. Commentary

- A. Body worn cameras can provide a unique perspective on police encounters and incidents, but the recordings may have limitations that need to be understood, considered, and explained when evaluating the images they record. Some potential limitations to consider include the following:

- B. A BWC documents a broad scene but cannot document where within that scene the officer is looking at any given instant. If the officer glances away from the camera's field of view, he or she may not see actions captured by the recording.
- C. The camera cannot acknowledge physiological and psychological phenomena that an officer may experience under high stress.
- D. Some important danger cues cannot be recorded. The camera cannot record the history and experience that an officer develops over time as a result of participating in many encounters. In other words, the camera captures the officer's actions, not the officer's senses and interpretation.
- E. Depending on the mounting location and body position, the camera view may be obscured and possibly blocked by parts of the officer's own body or gear. However, officers should endeavor to ensure that the audio and video recording are not impaired and that the recordings are full, accurate and complete to the fullest extent possible.
- F. High-tech camera imaging may potentially produce images with more clarity than the human eye sees, especially in low light conditions. When footage is screened later, it may actually be possible to see elements of the scene in sharper detail than an officer could at the time the camera was activated. Conversely, cameras do not always deal well with lighting transitions. Going suddenly from bright to dim light or vice versa, a camera may be briefly blank out images altogether. Dramatic changes in lighting can cause the camera to briefly blank out images.

V. Operating Procedures

- A. All usage of BWC will be consistent with the requirements and directives of Sections 10-401, et seq. of the Courts and Judicial Proceedings Article of the Maryland Annotated Code and other pertinent law. Set forth below is a brief summary of Maryland's Wiretap statute.
- B. Pursuant to the "State Wiretap Act" under Sections 10-401, et seq. of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, it is unlawful for any person to willfully intercept, endeavor to intercept, disclose, endeavor to disclose, use, or endeavor to use any oral communications. "Oral communication" is defined as any conversation or words spoken to or by any person in private conversation.
- C. Maryland Wiretap Act Authorization – It is lawful for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication with a body-worn digital recording device capable of recording video and oral communication if:

1. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;
 2. The law enforcement officer is making reasonable efforts to conform to standards in accordance with §3-511 of the Public Safety Article for the use of BWC;
 3. The law enforcement officer is a party to the oral communication;
 4. The law enforcement notifies, as soon as practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
 5. The oral interception is being made as part of a videotape or digital recording;
- D. The Maryland Wiretap Act also makes it lawful for a law enforcement officer to intercept an oral communication where the officer is party to the communication and where all parties to the communication have given prior consent to the recording.
- E. The use of BWC recording equipment by uniformed officers who have been issued the equipment and trained in its use is mandatory.
- F. Uniformed officers will always wear the BWC on their person when on duty in accordance with their training except when:
1. Temporarily removing the camera to recharge the battery or upload videos.
 2. Temporarily removing the camera when entering private areas such as bathroom or locker room facilities when there is no valid reason to record video.
 3. In Class-A uniform while participating in ceremonial events (e.g., Honor Guard, Funeral Details, Awards Ceremonies, Academy Graduations, etc.).
 4. Sitting on interview panels, oral boards, or hearing boards.
 5. Conducting plain-clothes assignments.
- G. Officers will test the function of the BWC at the beginning of each shift in accordance with training.
- H. Officers will inspect the BWC at the end of a shift to ensure it is charged or will re-charge, working properly and is not damaged preventing use.

- I. Upon discovering damage or a BWC malfunction, officers will promptly report the damage or malfunction to a supervisor.
- J. Any damage discovered to an issued BWC is required to be reported utilizing the same guidelines as reporting other damaged Department equipment.
- K. Officers will upload videos from the BWC to the server in accordance with their training and will ensure that the internal memory of the BWC does not fill to capacity.
- L. If an officer is utilizing an issued BWC and also operating a vehicle with an in-car video system, any in-car video audio transmitter is not required to be worn by the officer if applicable. The audio from the BWC footage will suffice.
- M. Officers will activate the BWC for legitimate law enforcement purposes only to record each citizen contact, to include a call for service, enforcement action, traffic stop, warrant execution, and/or police service related to the officer's official duties.
- N. The BWC may be used off-duty when performing a law enforcement function consistent with this general order.

VI. Mandatory Recording

- A. A BWC activation consists of both audio and video recording.
- B. Officers must begin recording with their BWCs at the first reasonable opportunity in the following circumstances unless doing so would jeopardize their own personal safety, the safety of others, or the safe operation of their vehicle:
 - 1. En route to and before arriving at a call for service, event, or other activity that is investigative or related to enforcement in nature.
 - 2. An encounter between the officer and any member of the public that is or becomes investigative or related to enforcement in nature.
 - 3. Any encounter that becomes confrontational at any time.
- C. As soon as practicable, the officer will notify the subject of the recording that interaction is being audio and video recorded, unless it is unsafe, impractical, or impossible to do so.
- D. If a recording has not started during an encounter and a victim, witnesses, or other individual wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, then officers may choose not

to initiate a recording in order to obtain the statement or information. Officers are encouraged to temporarily activate the BWC for the sole purpose of documenting the person's refusal to be recorded.

- E. Ending a Recording - Once recording with a BWC has been initiated, officers will not end, pause, mute, or obstruct the audio or video recording unless:
 - 1. The event or encounter has fully concluded; or
 - 2. The officer leaves the scene and anticipates no further involvement in the event; and
 - 3. No further law enforcement action is likely to occur; or
 - 4. Victims, witnesses or other individuals wish to make a statement or share information but refuse to do so while being recorded. (In these instances, officers will note on the record, via the BWC, the individual's request as the reason for ending the recording before turning off the recording.)
- F. Communications between officers while at a scene may not be muted at any time unless the event has fully concluded.
- G. The officer maintains the discretion to record any other serious incident or where the recording may have prosecutorial or investigative merit.

VII. Prohibited Recording

- A. A BWC will not be intentionally activated to record conversations of fellow employees without their knowledge and consent during administrative and nonenforcement related activities.
- B. A BWC will not be used to record non-work-related personal activity.
- C. A BWC will not be used to create recordings in locker rooms, dressing rooms, and restrooms unless part of a criminal investigation.
- D. BWC will not be used to create recordings at Juvenile Detention facilities, jails, or correctional facilities.
- E. The BWC will not be used to create recordings at facilities that prohibit such use.
- F. Will not be used to record strip searches or other instances where personal privacy is a concern in a custodial situation.

VIII. Administration

- A. The Commander of the Patrol Operations Division will appoint a BWC Coordinator to train officers, monitor the use, and coordinate repair and replacements as needed.
- B. Only Department issued and owned Body Worn Cameras will be worn and used by officers of the Department.

IX. Reports

- A. Whenever a BWC recording is made of a crime or incident and a written report is generated, a note of the recording, or multiple records if more than one officer recorded the event, will be included in the first line of the narrative portion of the report.
- B. When preparing written reports, officers are encouraged to utilize the recording system's playback feature to review the incident.
- C. Use of Force Report. The supervisor completing the Use of Force Report will note in the report that BWC recordings may be available reference the incident.

X. Confidentiality

- A. All recordings, media and audio are property of the Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police. This includes any recordings made on-duty, off-duty, special details, part-time or any time the officer is wearing the BWC and recording.
- B. Only BWC equipment approved or issued by the department will be worn and utilized.
- C. Under no circumstances will any member of the department make a personal copy of any recorded event without prior written consent of the Chief of Police.
- D. Recordings for court related purposes are permissible to be copied, reviewed, or disseminated in accordance with the Maryland rules of evidence by the States Attorney's Office.

XI. Downloading and Handling:

A. User Responsibility:

1. Officers will not, in any manner, attempt to modify, erase, or tamper with any portion of the recordings. The BWC and recordings are property of the Takoma Park Police Department.
2. All recordings will be downloaded at the end of a shift. BWC will be placed into the charging/download dock. During training on the use and care of the BWC further instruction will be given when and how to download and charge the BWC.
3. Labeling or tagging of video can be done in the vehicle MDT or once the recording is downloaded into Evidence.com or current storage system (if another system is designated) and label recordings with case number and other identifiers for retrieval later as needed for an investigation or court. It is highly recommended that officers use Evidence Sync to label and tag their recordings when they finish a traffic stop or incident.

B. BWC recordings will be stored on the secured server and held as evidence. Recordings not needed categorized as evidence will continue to be held for a period of fifty-three weeks. Recordings categorized as evidence will be held according to its respective retention policy.

C. After fifty-three weeks, non-categorized recordings may be deleted or moved to an archive server if needed as evidence, training, or other police related investigation.

D. Review

1. The BWC Coordinator and Command Staff may periodically review recordings to ensure the officers are properly using the system and document information, for training, court, or other police related purpose. Team Sergeants will also review their team members' recordings to aid in training and to improve the quality of enforcement techniques.
2. Supervisors must review all BWC footage of all use of force incidents.
3. If a supervisor feels that a recording may be useful as a training tool, he/she will notify the Training Officer and BWC Coordinator to review the recording. No recording will be used for training purposes while its case is being litigated.

4. With the exception of contexts involving disciplinary actions and/or Internal Affairs investigations, involved officers may review video for any reasonable purpose related to official business including, but not limited to:
 - a. Report writing and preparation of other official documents.
 - b. Federal or State court preparation
 - c. Review of prosecution evidence
 - d. Victim/witness/suspect statements
 - e. Crime scene review
 - f. Statement of charges
5. All requests to review recordings or obtain a copy by civilian personnel or outside agencies will be submitted in writing to the Chief of Police. Exception will be the State' Attorney's Office in accordance with the rules of evidence and discovery.
6. Only the BWC Coordinator or designee will be authorized to copy recordings for official use or dissemination.
7. The Chief of Police or designee, sworn command staff in an officer's direct line of supervision, and members of the Internal Affairs Unit may review any recording for a reasonable purpose related to official business including, but not limited to:
 - a. Report writing and preparation of other official documents
 - b. Federal or State court preparation
 - c. Review of prosecution evidence
 - d. Victim/witness/suspect statements
 - e. Crime scenes
 - f. Statement of charges
 - g. Administrative investigations

- h. Training
- i. Performance review
- j. Incident critique
- k. Maryland Public Information Act (MPIA) requests
- l. Compliance review
- m. Disclosures required by law

E. Internal Use of Recordings:

1. The BWC system is not intended to be used as a disciplinary tool against officers for minor infractions of policies or procedures.
2. Supervisors will not arbitrarily review video/audio recordings for the purpose of identifying minor infractions of departmental policies or procedures.

However, when cases of misconduct and/or repetitive negative behavior are brought to the attention of the Department via supervisory review and/or official complaint, the BWC system may be reviewed and used as the basis for performance counseling or disciplinary action.

3. The Department may use BWC recordings for training or other purposes as approved by the Chief of Police or his/her designee.
4. BWC video/audio recordings may be used by Field Training Officers to review the actions of probationary officers participating in the Field Training program.

*** This general order cancels Special Order 2015-001 dated February 27, 2015. ***