

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: Body Worn Cameras	NUMBER: 643C
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AUTHORITY: Alan Goldberg, Chief of Police	CALEA STANDARDS: 41.3.8	TOTAL PAGES: 6
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01. Purpose: To establish policy and procedures for the use of Body Worn Cameras (BWC) on operations and control.

02. Policy: It is the policy of this Department that officers shall activate the BWC when such use is appropriate to the proper performance of his/her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in covert operations. All BWC equipment and recordings are the property of the Takoma Park Police Department.

03. Definitions

A. Body Worn Cameras (BWC) - a camera system worn on the person of an officer in uniform or officer prominently displaying the badge, insignia, or other markings distinguishing the wearer as an officer, that is capable of recording video and intercepting oral communication.

B. Recordings-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.

04. Procedures:

A. Administration

1. The Department will utilize BWC for the purpose of accurately documenting events, actions, conditions, and statements made during citizen contacts, arrests, and other critical incidents.
2. BWC audio and video recordings also enhance this Department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.

3. 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.

4. Only Department issued and owned Body Worn Cameras will be worn and used by officers of the Department.

B. Legal Considerations Regarding the Use of BWC

1. Maryland Law makes it unlawful, with some exceptions, for any person to intercept, endeavor to intercept, disclose, endeavor to disclose, use, or endeavor to use an **audio** communications unless all parties to the communication have given prior consent to having the audio recording made. Md. Code Ann., Cts. & Jud Proc. § 10-402.

Therefore, officers will not utilize the BWC to make recordings unless consent is obtained or the recording is made pursuant to the exceptions outlined in this order below.

3. It is important to recognize that State law does not restrict or place consent requirements on *video* recordings made without audio.

4. The following are exceptions to the State law and allows officers to utilize the BWC to make both video and audio recordings without the consent of the parties to the conversation;

An Officer may make an audio recording if all of the following apply:

- The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;
- The law enforcement officer is a party to the oral communication;
- The law enforcement officer is making reasonable efforts to conform to standards in accordance with sub-section 3-511 of the Public Safety Article for the use of body-worn digital recording devices or electronic control devices capable of recording video and oral communications;
- The law enforcement officer notifies, as soon as is practical, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; **and**
- The oral interception is being made as part of a videotape or digital recording.

C. Use of Body Worn Cameras (BWC)

1. Only officers trained in the use and policies of the BWC will be authorized to use it.

2. Officers will inspect the BWC at the beginning and end of a shift to ensure it is charged or will re-charge, working properly and is not damaged preventing use. Any problems should be reported to the supervisor and BWC Coordinator immediately.

3. 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 officers official duties.

4. Traffic Stops:

a. Officers will make audio and video recordings of all traffic stops.

b. Whenever possible, the recording will capture the entire stop, starting when you exit the vehicle and ending after the violator has left the scene.

c. At the beginning of every traffic stop, the officer will notify the person(s) stopped that they are being audibly and visually recorded. The officer's statement should be similar to the following example:

“Hello. I am (rank and name) of the Takoma Park Police Department. I stopped you for (violation). We are being audibly and visually recorded. May I please see your driver's license and vehicle registration?”

d. If the driver or any occupant of the vehicle objects to the audio recording, they should be courteously informed that Maryland law allows audio recording for law enforcement officers conducting traffic stops.

e. If the traffic stop becomes a criminal detention, the officer can and will continue to make both a visual and audio recording without obtaining consent.

5. Non-Traffic/Other Uses to include in the home:

a. Officers will begin any field interview or other citizen contact with the BWC turned on. The officer will inform the citizen that a video and audio recording is being made.

b. Officers will make every effort to record all potentially criminal field contacts/suspicious situations/vehicles, building checks, and/or disputes.

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c. At the officer's discretion any other incident may be recorded when the officer feels the recording may have prosecutorial or investigative merit. Examples of such uses are large crowds, accident scenes, permit checks, or other incident within the officer's official duties.

d. The officer will discontinue recording once the officer has left the scene and anticipates no further involvement in the event, the event has concluded, or a supervisor has authorized that the recording cease. An event will be deemed "concluded" when;

1. All arrests have been made and arrestees have been transported and released from custody;
2. All victims and witnesses interviewed;
3. The continuance of recording will not serve to obtain additional evidence; and
4. No further law enforcement action is likely to occur.

6. Officers will not surreptitiously or openly record private conversations or conversations that are not part of official business or investigations CJP Section 10-401. To include;

- a. Conversations between individuals not including the officer;
- b. Administrative or general discussions with other employees or supervisors;
- c. Personal activities to include locker rooms, restrooms, or offices unless part of an official criminal investigation
- d. Privileged conversation (spouses, lawyers, or other privileged persons)
- e. Will not be used to record strip searches
- f. Will not intentionally record undercover officers or confidential informants without consent.
- g. Officers will not use the BWC to covertly record police personnel

7. The BWC may be used off-duty when performing a law enforcement function consistent with this general order.

D. Reports

1. 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.

2. When preparing written reports, officers are encouraged to utilize the recording system's playback feature to review the incident.

3. 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.

E. Confidentiality

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1. 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.
2. 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.
3. 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.

F. The Department recognizes that it may not always be practical to activate the BWC equipment. Officers will not allow the operation of the BWC to interfere with their own personal safety, the personal safety of others, or the safe operation of the vehicle.

G. Downloading and Handling:

1. User Responsibility:

- a. 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.
- b. 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.
- c. 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.
- d. BWC recordings will be stored on the secured server and held as evidence. Recordings not needed as evidence will continue to be held for a period of 120 days. Evidence recordings until final adjudication of the judicial proceedings. Some recordings may be deleted earlier based on special rules in the retention policy. See Retention Policy
- e. After 120 days recordings can be deleted or moved to an archive server if needed as evidence, training, or other police related investigation.

H. 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. Squad Sergeants will also review their team members' recordings to aid in training and to improve the quality of enforcement techniques.
2. 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.
3. Officers may review their recording or one they are involved in for court purposes. Officers will not copy the recording.
4. 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's Attorney's Office in accordance with the rules of evidence and discovery.
5. Only the BWC Coordinator or designee will be authorized to copy recordings for official use or dissemination.
6. The Chief of Police or designee may review any recording for official purposes or designate an individual on a case-by-case basis for official purposes.

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

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