

Bowie Police Department - General Orders



TITLE: BODY WORN CAMERA		NUMBER: 430
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AUTHORITY Chief John Nesky	ACCREDITATIONS STANDARDS 41.3.8	TOTAL PAGES 10

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) and an in car Mobile Video Recording System (MVRS) so Officers may reliably record their contacts with the public in accordance with the law. Also to establish guidelines regarding storage, release, and retention of video files.

II. POLICY: (CALEA 41.3.8a)

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or 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.

III. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC (CALEA 41.3.8b)

1. Officers shall activate the BWC to record all official and investigative contacts with citizens in the performance of official duties. Everyday non official contact with citizens do not need to be recorded by the Officer. Official and investigative contacts include but not limited to:
 - a. Any non-consensual encounters with a citizen.
 - b. 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;
 - c. Any encounter that becomes confrontational after the initial contact.
 - d. 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 law enforcement officer may, but is not required to, temporarily activate the BWC for the sole purpose of documenting the person's refusal to be recorded.
 - e. Citizen encounter consistent with a "Terry Stop", reasonable suspicion, probable cause and detention.
 - f. During the entirety of traffic or foot pursuits.
 - g. Record Traffic stops until the stopped vehicle departs or the Officer leaves the scene
 - h. Traffic stops, including the investigation of a vehicle or occupants already stopped or parked.
 - i. Request for searches and deployments of drug-detection canines involving vehicles when practical.
 - j. Recordings of all persons physically arrested.
 - k. All request for consent to search without a warrant, including searches of persons, buildings, or vehicles, will be recorded.
 - l. Officers may record any enforcement action requested by a plain clothes Officer.

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

*NOTE: Command staff is exempt from the above activation procedures unless working secondary employment.

2. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.

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

- i. The event or encounter has fully concluded; or
- ii. The officer leaves the scene and anticipates no further involvement in the event; or
- iii. A supervisor or agency policy has authorized that a recording may cease because the officer is no longer engaged in a related enforcement or investigative activity; or,
- iv. 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. Anytime the recording is stopped prior to the end of an event, the Officer shall make a statement reflecting the reason for the stoppage.

3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document on BPD Form 91 why a recording was not made, was interrupted, or was terminated.

4. Except as otherwise exempted by law, a law enforcement officer shall notify, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so. The notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.

5. Members shall stop the body worn camera recording when a stop / interview / contact is complete by stating the following: "This now concludes my stop / interview/ contact. I am now stopping the recording". At this time the recording shall be stopped by the member.

6. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC Use (CALEA 41.3.8e)

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor immediately so that a replacement unit may be procured.
4. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning including checking the date and time accuracy. If a problem is found the Officer shall notify their supervisor of any problems promptly, take the unit out of service and use a different BWC if available.
5. BWC's may be placed in other locations if the officer feels that the placement will provide a better view on a case by case basis. Examples of this would be on the dash of the patrol unit facing backward to record the interior of the car, on a shelf to record an interview.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior authorization and approval of the Chief of Police or his or her designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
11. Officers shall classify each body worn and in car video once the recording has been completed. Classification should be chosen and the case number input. Supervisors shall ensure those under their command are classifying all video daily.

D. Restrictions on Using the BWC (CALEA 41.3.8b)

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police;
2. Agency personnel during routine administrative activities; or Non-work related personal activity.
3. Encounters with undercover officers or confidential informants;
4. When on break or otherwise engaged in personal activities; or
5. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
6. In any Medical Facility
7. Calls for service involving Child Abuse victims or victims of Sexual Assault

E. Review of Recordings

1. Reasons to view and use recordings may include, but not be limited to:

- a. Report writing or preparation of other official documents;
- b. 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. Policy compliance;
- m. Disclosures required by law.

2. Additional considerations:

- a. 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.
- b. The stored video and audio data from a body worn camera may not:
 - i. be used to create a database or pool of mug shots;
 - ii. be used as fillers in photo arrays; or

iii. be searched using facial or voice recognition software.

c. 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.

F. Storage (CALEA 41.3.8d)

1. All sounds, images, and associated metadata should be securely downloaded periodically and/or no later than the end of each shift if possible. If a BWC is not downloaded at the end of Officers shift, the Officer shall notify their supervisor that it was not downloaded so that if a review of a file is needed, it can be found in a timely matter. Each file shall contain information related to the date, BWC identifier, and assigned officer. At the time of download the officer will indicate if the file is evidential or non-evidential. A complaint/incident and or ticket number will be noted along with the suspect's last name.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing all sounds, images, and associated metadata for non-law enforcement purposes is strictly prohibited. Access and audit logs shall be maintained.
3. All unedited original versions of sounds, images, and associated metadata should be securely stored in accordance with departmental policy and no longer than useful for purposes of training or for use in an investigation or prosecution.
4. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
5. All recordings will be maintained for a minimum of a year and a month from the date of the recording. Recordings categorized as evidence maybe retained for a longer period.
6. When video files are needed for court / evidentiary purposes, the Video Evidence Request Form #60 shall be completed and submitted to Operations Services. (CALEA 41.3.8c)
7. If there is more than one Officer involved in an incident such as in a DUI arrest, that shall be noted so all video captured may be saved as evidence.
8. Request for video shall be made prior to the year and a month retention and availability period.
9. Outside request for video files must be submitted to the Operation Services Division.
10. Request by the States Attorney's Office shall be submitted to the Operation Services Division.

11. Media request for video files will be referred to and handled by the Public Information Officer (PIO) the Chief of Police.

G. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. Supervisors shall notify the Operation Services Division if the equipment has malfunctioned.
3. Supervisors monthly will randomly select 2 videos from each officer under their command and review the BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. (CALEA 41.3.8g)

H. Training and Discipline (CALEA 41.3.8f)

1. Officers will have the policy and will be trained on the use of the operation of the BWC equipment prior to use in the field. Training shall also include alternative methods for effective notification of recording to persons with special needs or limited English proficiency.
2. Violations of this policy may result in discipline.

IV. MOBILE VIDEO RECORDING

A. Operating Procedures (CALEA 41.3.8b)

1. The use of video recording equipment by Officers who operate vehicles so equipped is mandatory, as outlined in this directive
2. Traffic Stops
 - a.. Video recordings with audio will be made of all traffic stops, priority responses, and vehicular pursuits.
 - b. Whenever possible, the recording will capture the entire stop, starting when the decision is made to pull over the violator 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 Bowie Police Department. I stopped you for speeding. 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 the Maryland law allows audio recording for law enforcement Officers conducting traffic stops.

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

3. Prisoner Transports

Video recordings will be made of **ALL prisoner transports**.

4. Other Uses

a. The video/audio recording of any other activity will be at the discretion of the Officer. Officers should attempt to keep the video camera positioned in such a manner as to capture the event in its entirety. Officers are encouraged to provide verbal narration when audio recordings are made.

b. Officers may, at their discretion, with or without the consent of involved parties, make only video recordings at any time when the Officer feels the recording may have prosecutorial or investigative merit. Examples of such uses include, but are not limited to, suspicious situations, disorderly conduct, crime and traffic scenes.

5. Whenever a video/audio recording is made of a crime or incident and a written report is generated, a note of recording, or multiple records if more than one Officer recorded the event, will be included in the narrative portion of the report.

6. When preparing written reports, Officers are encouraged to utilize the video recording system's playback feature to review the incident.

7. Officers will not use the MVRS to covertly record other police personnel without the permission of the Chief and or her designee.

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

B. Video Handling (CALEA 41.3.8e)

1. User Responsibility

- a. Officers, at the beginning of each shift, will ensure that the video and audio recording unit is operational.
- b. Officers will not, in any manner, attempt to modify, alter, erase, or tamper with any portion of a recording. MVRS are the property of the Bowie Police Department.
- c. Officers are not to change the settings on the MVRS.

2. Responsibilities

- a. Supervisors will be responsible for ensuring the MVRS is operational while conducting monthly vehicle inspections.
- b. If there is a hardware issue found, a Help Desk request shall be put in promptly and the issue shall be documented on the inspection sheet.

C. Video Recording Duplication (CALEA 41.3.8c)

1. Supervisors will be responsible for video duplication. Videos will not be duplicated except for use in a criminal trial, an investigation, or for training purposes.
2. No video will be destroyed, tampered with, duplicated, distributed, or erased except in conformance with this policy. Copies of video released to department personnel may only be used for official police business.
3. Requests for copies of a video will be made via a Video Request Form to the Operation Services Division. Only the particular incident specified on the form will be copied.
 - a. The Officer making the request must indicate the justification for the request.
 - b. It is the responsibility of the Officer obtaining a copy of a recorded incident to maintain the evidentiary value of the recording.
 - c. The Chief of Police or the Chief's designee must approve all external requests for copies of videos.
4. The Operation Services Division will maintain records of the MVRS videos on the video server.

D. Internal Use of Video Recordings (CALEA 41.3.8c)

1. The department may use videos for training or other purposes as approved by the Chief of Police or the Chief's designee.

2. Supervisors may randomly conduct reviews of the MVRS to ensure that Officers maintain tactical proficiency, and or identify any training or procedural deficiencies.
3. All MVR/DVDs will be retained and secured for a period of one year and one month, unless specified by a court order. (CALEA 41.3.8d)

V. GLOBAL POSTIONING SYSTEM

1. Every marked police vehicle shall be equipped with a GPS Unit.
2. Officers shall not disconnect or attempt to disable the GPS Unit
3. The City shall be divided into defined zones that shall be used to track patrol coverage.
4. Specific points may be entered into those zones to reflect high interest areas or other areas of concern.
5. Employees have no expectation of privacy in the data collected and maintained by the GPS.

A. SUPERVISOR RESPONSIBILITIES

1. All Police Supervisors shall have access to the Global Positioning System data.
2. Supervisors are to use the system only for specific work related inquiries.
3. Supervisors shall utilize the system to analyze patrol coverage and patrol patterns.
4. Supervisors may utilize the system to check an Officer's status or location as a management tool but may not use this function in an excessive or unnecessary manner.
5. Supervisors shall use the system to evaluate citizen's complaints as they relate to speed or other traceable vehicle complaints.
6. Supervisors shall ensure that the Global Positioning System is operational in all applicable vehicles assigned to them.