

NOTICE:

Please refer to Message Requiring a Form 159, titled *Revised Body Worn Camera (BWC) Policy, Access to BWC System Recordings and Audit Trails* (distributed on 11/06/2024), for revised policy that supersedes the Field Manual, Article 16, Section 2.1, Access to Body Worn Camera (BWC) System Recordings and Audit Trails, identified in this message.

RELEASE: Revised Body Worn Camera Policies.

EFFECTIVE: Immediately.

This message is being distributed to advise members that Chief Robert O. McCullough has approved revisions to the Department's Body Worn Camera policies. The revised materials appear in the following sections of the Administrative and Field manuals:

- Administrative Manual, Article 8, Section 2.1, Issued Uniform Items;
- Administrative Manual, Article 8, Section 3.7, Mandated On-Duty Equipment;
- Field Manual, Article 4, Section 11.5, Court and Hearing Attendance;
- Field Manual, Article 7, Section 15.3, Service Procedures;
- Field Manual, Article 16, Section 1.0, Body Worn Camera (BWC) System;
- Field Manual, Article 16, Section 1.1, Body Worn Camera (BWC) Wear;
- Field Manual, Article 16, Section 1.2, Body Worn Camera (BWC) Activation and Deactivation;
- Field Manual, Article 16, Section 2.0, Body Worn Camera (BWC) System Recordings; and
- Field Manual, Article 16, Section 2.1, Access to Body Worn Camera (BWC) System Recordings and Audit Trails.

The attachment to this message contains copies of the revised manual sections. These revised sections supersede the sections currently displayed in the Department's Administrative and Field manuals (i.e., General Order 2023-01). The revised sections will be placed into the manuals in a future General Order.

Commanders: Please complete a Form 159, Order/Directive Verification Form, for each member in your command and attach one printed copy of this message and the attached document. Members will sign the Form 159 stating that they received a copy of this message and the attached document, which is located in their Department e-mail account. A copy of this message and the attached document will also be posted on the Department's Intranet site.

Please contact the Strategic Planning Team with any questions at x2260.

This message has been reviewed and approved by Captain Joseph W. Donohue (#3844).

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8-2.1 ISSUED UNIFORM ITEMS

SHIRTS

- Issued for the Class A uniform in white long sleeve.
- Issued for the Class B and Class C uniform in both long sleeve and short sleeve:
NOTE: Shirts will be issued in white or blue depending upon the member's rank (i.e., white for Executive Corps for wear with the Class B uniform, and blue for members of the rank of officer through lieutenant for wear with the Class B and Class C uniforms).
- Issued in an assignment-specific style, designated by the Bureau Chief of the Administrative & Technical Services Bureau (ATSB), for wear with a Class D uniform.
EXCEPTION: When another uniform garment has been designated in lieu of shirt and trousers.
- Members wearing a uniform shirt without a tie will only leave the top button unbuttoned.

TROUSERS

- Issued in blue/grey for wear with the Class A and Class B uniforms.
- Issued in blue for wear with the Class C uniform.
- Issued in an assignment-specific style, as designated by the Bureau Chief of the ATSB, for wear with a Class D uniform.
EXCEPTION: When another uniform garment has been designated in lieu of shirt and trousers.
- Will be of a length that does not exceed beyond the top of the sole of the shoe or boot.
- Only the Class D trousers may be bloused when wearing boots.
NOTE: This will only be done when blousing has been authorized as part of an assignment-specific Class D uniform.

TIES

- Issued in black as a clip-on.
- Only worn with long sleeve uniform shirts.
- Must be worn by members wearing a long sleeve uniform shirt as part of the Class A and Class B uniforms.
- Will not be worn as part of the Class C uniform.
- Only one tie tack may be worn with the tie.

JACKETS

- Must be buttoned or zipped, at a minimum, level with the third button from the top of the shirt.
- May be worn any time of the year.

DRESS BLOUSE

- Will only be worn as part of the Class A uniform.
- Only Honor Guard members will have the appropriate rank chevron sewn on the sleeves of the dress blouse for the ranks of officer first class, corporal, and sergeant.

ALL WEATHER COATS

- Issued to members of the executive corps and worn at their discretion.
- Issued to members of the Ceremonial Honor Guard to be worn as directed.

EIGHT-POINT HATS

- Issued in summer and winter styles with the appropriate shields for different ranks as prescribed by the Chief of Police, for wear with the Class A and Class B uniforms.
- Worn level with the visor centered directly over the nose.
- Need not be worn while in a vehicle.
- Will not be worn as part of the Class C or Class D uniform.
- Worn on all routine contacts with the public and during all crowd control situations.
- Worn during special functions (e.g., funeral details, parades, etc.).
- Need not be worn during:
 1. Foot pursuit of a suspect.
 2. Emergency situations where speed and efficiency are the officer's major concerns (e.g., crime in progress, emergency medical treatment, etc.).
 3. Extremely windy weather.
 4. Vehicle stops on limited access highways or other highways where the speed limit causes wind turbulence from rapidly moving vehicles.

KNIT-STYLE HATS

- May only be those issued by the Department.
- May be worn at the member's discretion with the Class B uniform, Class C uniform, or Class D uniform, when a long sleeve uniform shirt, outermost jacket, or coat is worn.
- May not be worn as part of the Class A uniform.

BASEBALL-STYLE CAPS

- May only be those issued by the Department.
- As part of the Class C uniform:
 1. May be worn at any time, at the member's discretion.
 2. Must be worn, when directed by a shift/unit commander or incident commander.
NOTE: The baseball-style cap will be readily available at all times when the Class C uniform is worn.
- Worn/carried as part of a Class D uniform, if authorized by the Bureau Chief of the ATSB.
- Will not be worn as part of the Class A or Class B uniform.
- Worn level with the visor centered directly over the nose.

EXTERIOR SOFT BODY ARMOR CARRIERS

- Consist of a fitted cover in which issued soft body armor may be placed, for wear of the soft body armor over the uniform shirt.
NOTE: Members should see Administrative Manual, Article 8, Section 3.5.1, Ballistic Protective Soft Body Armor, for policies stating when Soft Body Armor (i.e., using or not using an exterior carrier) must be worn.
- May be worn by members wearing the Class C uniform, at the member's discretion.
- May be worn by members who are on duty but not in uniform, at the member's discretion.
- Will not be worn with the Class A or Class B uniforms.
EXCEPTION: For officer safety in emergency situations.
- Are required to properly display a Department-issued badge and Velcro nameplate when worn as the outermost garment.
- May be used to carry the following Department approved/Department issued equipment:
 1. Tourniquet.
 2. Medical pouch.
 3. Portable radio lapel microphone.

4. Body worn camera (BWC) system (i.e., camera and/or controllers).

NOTE: All items must be worn in a manner that does not interfere with the member's ability to quickly and easily remove essential gear (e.g., firearm, magazines, etc.) from their gun belt.

- Will not be:
 1. Used to carry additional equipment (i.e., magazines, flashlights, etc.).

EXCEPTION: Members of specialized units may carry additional items (e.g., conducted electrical weapon (CEW), etc.) upon approval of their commanders.
 2. Adorned with unit insignia, awards, or unauthorized patches/pins.
- Must meet the fitting standards of the carrier manufacturer and be worn as directed.

NOTE: Improper fitting/use may result in gaps in between the armor panels that may cause areas of the wearer to be unprotected.
- Only carriers issued by the Department may be worn.

BADGE

- Issued in metal, for wear with all uniform shirts, military-style sweaters, dress blouses, jackets, and exterior soft body armor carriers.

EXCEPTION: Embroidered badges may be worn as part of an approved Class D uniform, when a garment with an embroidered badge has been approved/issued.
- Displayed on the outermost garment over the left breast by uniformed members.

NOTE: Plainclothes personnel while acting in their official capacity at the scene of a serious crime or other police emergency where their identity should be known will display their badge on their outermost garment.
EXCEPTION: Plainclothes personnel who can identify a reasonable operational need for their badge to not be displayed.

NAMEPLATE

- Issued in metal, for wear with all uniform shirts, military-style sweaters, dress blouses, and jackets.
- Issued as a patch with Velcro backing, for wear with exterior soft body armor carriers.
- Worn by uniformed members on the right side of the outermost garment (e.g., shirt, exterior soft body armor carrier, dress blouse, jacket, etc.).
- Will be centered and even with the top seam of the right pocket.

EXCEPTION: Garments designed with a tab for attachment of the nameplate over the right breast (e.g., Gore-Tex jacket, leather jacket, exterior soft body armor carrier, etc.).

COAT OF ARMS

- Worn only on the dress blouse. The emblem will be placed on the bottom part of the collar with the emblem pointing straight down and will be centered 5/16 inch from the outer edge and 1/4 inch from the bottom of the collar.

SHOULDER PATCHES

- Displayed on all shirts, jackets, coats, and sweaters.

EXCEPTION: Rain jacket.
- Worn centered on each sleeve 1/2 inch below the shoulder seam. Display on non-uniform equipment is prohibited.

REFERENCE

- Department Awards and Uniform Display.

8-3.7 MANDATED ON-DUTY EQUIPMENT

NON-UNIFORMED OFFICERS

- Badge.
- Fully loaded approved service weapon.
- Handcuffs and key.
- Extra magazines and ammunition.
- Notebook and pen.
- Identification card.
- Pepper aerosol restraint spray (ARS).
- Communicable Disease Equipment kit.
- Ballistic protective soft body armor.
- Personal Protective Equipment (PPE) kits.
- Department issued/Department approved holster.
- Lifesaving equipment (e.g., tourniquet, etc.).
- Body worn camera (BWC).
- A Department-issued outer most garment (e.g., jacket, coat, exterior vest carrier, etc.) labeled "POLICE" or displaying the Department's shoulder patches (i.e., insignia) that can be used to prominently display the member's badge and nameplate.

UNIFORMED OFFICERS

- The same equipment non-uniformed officers are required to carry.
EXCEPTION: Uniformed officers are not required to carry an additional outer most garment.
- Expandable baton.
- Whistle.
- Flashlight.
- Traffic citation books.
- Criminal citation books.

EXCEPTIONS

- For mandated on-duty equipment are only by permission of the requesting member's commander.

4-11.5 COURT AND HEARING ATTENDANCE**OFFICERS**

- Required to appear in court during their tour of duty:
 1. Will notify their immediate supervisor at roll call on the date of the court appearance.
 2. Will leave their assignment as notified by the Court Liaison Officer (CLO).
- Unable to appear in court at the required time, will inform the CLO as soon as possible.
- Arriving late will provide an explanation to the State's Attorney.
- Incurring a conflict by being scheduled in different courts or court rooms at the same time will immediately notify the CLO. The officer will not contact the courts.
- Will not leave court until the conclusion of their cases, unless given permission by the State's Attorney, the Court, or the CLO.
- Working day shift, must contact their CLO prior to the end of their tour of duty if they have not been notified that their case has concluded.
- On callback status:
 1. Will contact their duty station at the conclusion of their court duties and inform the shift/unit commander of their status and time remaining on callback.
 2. Will either report for duty or be excused as instructed by the shift/unit commander.
- Assigned to a uniformed section, will wear the uniform of the day to court regardless of their duty status and be properly equipped for duty.
- Assigned to a non-uniformed position, will wear professional business attire when attending court. The badge must be displayed on the outermost garment at all times when attending court in civilian clothes.

EXCEPTION: Non-uniformed personnel who can identify a reasonable operational need for their badge to not be displayed.
- Will sign the Court Attendance Roster noting the time of arrival to the court room, when attending District Court or Juvenile Court.
- Must conduct themselves in a dignified and respectful manner while in court or other judicial hearings.
- Currently on suspension, will:
 1. Contact their supervisor upon receipt of a summons to determine if they should appear for trial.
 2. Not transport any evidence to the trial site. They should make arrangements with their supervisor to have the evidence delivered to the court if needed.

OFFICERS TAKING UNSCHEDULED LEAVE

- Notify their supervisor, if the squad/team is working.
- Notify the CLO, when their squad/team is not working.
- Notify the on-duty supervisor, if the CLO is not available.
- Contact the clerk of the appropriate court and document notification information as required below if neither the on-duty supervisor nor the CLO can be reached in a timely manner. Voice mail messages are not acceptable. Notification must be made to an individual.
- Upon returning to work, submit a Form 12L to the commander including:
 1. Date, time, and location of the trial.
 2. Type of case.
 3. Name(s) of defendant, if possible.
 4. Reason unable to appear.
 5. Name of the clerk contacted and date and time of notification, as provided by the supervisor.

SUPERVISORS

- If an officer is unable to appear due to sickness, death in the family, etc., notify the CLO or, if the CLO cannot be reached in a timely manner, the clerk of the appropriate court. Voice mail messages are not permitted. Notification must be made to an individual.
- If a judge or a state's attorney requests more information concerning a member's absence from court, notify the member to contact the court personally. This information is to assist the judge in making an informed decision on the case. Only the court may excuse a member from court.
- Document the date, time, and name of the individual notified in the clerk's office or the CLO and provide the information to the absent officer upon their return to duty.
- File a copy of the absence notification Form 12L in the officer's precinct personnel file for reference should the officer's absence be questioned.
- Of a suspended officer, will immediately:
 1. Determine all pending court cases involving the suspended officer.
 2. Contact the CLO with information regarding any routine traffic cases and/or for criminal or serious traffic cases.
 3. Inform the suspended officer if they are required to appear at trial as instructed by the Legal Section or the CLO.
 4. Make arrangements to have any evidence transported to and from court. The suspended officer will not transport evidence.
 5. Inform the CLO of the officer's status, appearance instructions, and arrangements for transporting evidence.

7-15.3 SERVICE PROCEDURES

GENERAL

- All search and seizure warrants will be served in the safest manner possible, and in a manner justified by the risk assessment and all known risk factors.
NOTE: Alternate methods of service (e.g., waiting for occupants to exit the residence, waiting for a vehicle to be left unattended, taking suspects into custody prior to service, etc.) considered must be documented on the Form 328 or Tactical Unit Operational Plan.
- A permanent rank supervisor (i.e., a member of the rank of corporal or above) must be present and remain on-scene for the service of all search and seizure warrants.
- All body worn camera (BWC) equipped members shall use their BWCs during the execution of the search and seizure warrant in accordance with Department policy (See Field Manual, Article 16, Body Worn Camera Program).
NOTE: When a BWC recording prohibition or deactivation criteria (e.g., interaction with a confidential informant; witness requesting not to be recorded, etc.) is met, the encountering members may deactivate their BWCs. However, in all circumstances, the requirement to record the actual execution of the search and seizure warrant still applies and must be recorded. When the BWC recording prohibition or deactivation criteria no longer exists, the member must resume recording.
- All search and seizure warrants are null and void, and may no longer be served, if:
 1. It has not been served within 10 calendar days from the date of issuance; or
 2. The facts supporting probable cause become stale or vanish prior to the expiration of the warrant.

MEMBERS

- Shall be clearly recognizable and identifiable as a police officer (i.e., by wearing a uniform, badge, and nameplate bearing the member's name and identification number) during the execution of all search and seizure warrants.
- Ensure all applicable procedures (e.g., "search and seizure warrant procedures," "no knock search and seizure warrant" procedures, etc., as outlined below) are followed.
- Notify the unit commander or the appropriate permanent rank lieutenant responsible for the IST, when a search warrant has been issued as a "no-knock," but circumstances have changed in the course of an investigation (i.e., there is no longer reasonable suspicion to believe that the life or safety of the executing officer or another person may be endangered) making the appropriate service method a "knock-and-announce."
NOTE: The notified commander will contact the Special Operations Section Commander to determine whether the search and seizure warrant service will require the use of the Tactical Unit, when the search and seizure warrant was issued as a "no-knock" but circumstances have changed in the course of an investigation making the appropriate service method a traditional "knock-and-announce." Notification regarding who will serve the warrant will be made up to their chains of command by the notified commander and the Special Operations Section Commander.
- Are prohibited by law from using flashbang, stun, distraction, or otherwise similar military-style devices, absent exigent circumstances.
- Ensure Miranda rights and the valuables statement are read.
- Ensure a copy of the warrant, application, affidavit, and an inventory of goods seized will be given to the person in charge at the premises. If no such person is available, the forms will be left in a conspicuous location.

BUREAU CHIEF/ACTING BUREAU CHIEF OF THE OPERATIONS BUREAU

- Must authorize the service of all “no-knock” search and seizure warrants after they have been signed by the issuing judge.
- May authorize the service of a “no-knock” search and seizure warrant by an entity other than the Tactical Unit, based on operational need and an assessment of the risk factors and points assessed on the Form 321A, Search Warrant Risk Assessment.
NOTE: All members executing the warrant shall have successfully completed the same training in breach and call-out entry procedures as the Tactical Unit members.

TACTICAL UNIT COMMANDER

- Reviews all Forms 321 and 321A.
- For search and seizure warrants that will not be served as a “no-knock” warrant, discusses the search warrant risk assessment with the precinct/section commander, or designee, to determine who will serve the search warrant, when the Form 321A indicates the warrant is medium risk or high risk.
NOTE: The commanders will come to an agreement concerning who will serve the warrant prior to its service.
- Has operational control of the execution of all “no-knock” search and seizure warrants.
EXCEPTION: The Tactical Unit Commander may delegate this responsibility to a Tactical Unit Supervisor, when multiple search and seizure warrants requiring Tactical Unit presence are being executed at the same time.
- Maintains a file of Forms 321 and Forms 321A for three years.

SEARCH AND SEIZURE WARRANT SERVICE PROCEDURES

- The law requires that members give notice of their authority or purpose prior to entering a building, apartment, premises, place, or thing to be searched, absent a “no-knock” search and seizure warrant/exigent circumstances.
NOTE: Members **cannot** convert a “knock and announce” warrant to a “no-knock” warrant based on exigency – the Courts are the only entity that can convert a “knock and announce” warrant to a “no-knock” warrant. However, if while executing a “knock and announce” warrant members encounter an exigent circumstance requiring immediate entry, that entry is no longer made based on the warrant, but instead on the Exclusionary Rule’s exigency exception.
- The on-scene supervisor will:
 1. Ensure notice of authority/purpose is given (e.g., via “knock-and-announce, etc.”); and/or
 2. Authorize forced entry, when appropriate.**NOTE:** The decision to use force must be documented in the appropriate incident report.
- Members shall:
 1. Ensure that all “knock and announce” entries are of sufficient volume to be heard by individuals inside of the structure or vessel subject to the search and seizure warrant.
 2. Provide a reasonable amount of time for the individuals inside of a structure or vessel subject to the search and seizure warrant service enough time to respond to the announcements.
NOTE: Under Maryland law, members shall allow a minimum of 20 seconds for the occupants of a residence to respond and open the door before attempting to enter a residence, absent exigent circumstances.
 3. Ensure that multiple announcements are made.
NOTE: Only one set of officers should be responsible for the initial announcement prior to entry to ensure the announcement and decisions to enter the structure/vessel are consistent.

4. Ensure that, at a minimum, all announcements will include the following language: "Baltimore County Police Search Warrant."
5. Consider the following factors to ensure the knock and announce is sufficient:
 - a. Time of day.
NOTE: Subjects sleeping will need additional time to respond to the announcement.
 - b. Ambient noise potentially hindering the ability to hear the announcement.
 - c. Size of the structure/vessel/location to be searched.
 - d. Location of occupants as compared to the position of officers announcing.
EXCEPTION: "No-knock" search and seizure warrants.

NO-KNOCK SEARCH AND SEIZURE WARRANT PROCEDURES

- The law requires that "no-knock" search and seizure warrants be executed between 0800 hours and 1900 hours, absent exigent circumstances.
- Any officer notified to assist in the execution of a "no-knock" search and seizure warrant shall notify his/her supervisor of the request.
- The commandment portion of the search and seizure warrant must specify that a "no-knock" entry is authorized and approved by a judge.
- The service of all "no-knock" search and seizure warrants must be approved by the Bureau Chief or acting Bureau Chief of the Operations Bureau, after it has been signed by the issuing judge.
- The serving officer and on-scene supervisor will evaluate the circumstances existing at the time of service and determine if a "no-knock" entry remains warranted. If the life or safety of the executing officer or another person are no longer reasonable believed to be in danger, the serving officer must knock and announce his/her authority and purpose.
- Entry and clearing of locations/structures for all "no-knock" search and seizure warrants served within Baltimore County, including those obtained by other agencies, must be conducted by the Tactical Unit, unless authorized by the Bureau Chief (i.e., permanent or acting) of the Operations Bureau, based on assessment of the risk factors and operational risk level assessed on the Form 321A, Search Warrant Risk Assessment.
EXCEPTION: "No-knock" search and seizure warrants served via a traditional "knock-and-announce."
- During service, the appropriate CIB unit commander, or the lieutenant responsible for the IST, will be paired with the Tactical Unit Commander and the Crisis Negotiation Team Commander, through the completion of the safe entry and clearing of the target location/structure.
NOTE: Appropriate radio channels will be monitored and real-time intelligence will be shared.

16-1.0 BODY WORN CAMERA (BWC) SYSTEM

DEFINITIONS

- Activation - recording of both audio and video by switching the device from Pre-Event Buffering Mode to Event Mode.
- Body Worn Camera (BWC) - an audio-visual recording device worn on the person of a sworn 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.
- Dock - a BWC charging and data transfer unit.
- Event Mode - actively recording video and audio on the BWC.
- Mobile Device - a device connected to the BWC via a wireless connection for the purpose of playback, tagging, and categorizing of system records.
- Person In Interest - a person having a greater right of access to a recording than the general public as defined by GP § 4-101.
- Pre-Event Buffering Mode - a continuous 60 second video-only (i.e., no audio) recording, which is captured as a part of the full recording once the device is placed in Event Mode (i.e., activated).
- System Recordings - audio and/or video captured and uploaded by the BWC.

GENERAL

- Under Courts and Judicial Proceedings Article §10-402 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 policy issued by the Maryland Police Training and Standards Commission (MPTSC) as established under Public Safety Article §3-511 for the use of body worn digital recording devices;
NOTE: The Department's BWC policies comply with the MPTSC policy.
 3. The law enforcement officer is a party to the oral communication;
 4. The law enforcement officer notifies, as soon as is practicable, 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.
- The BWC program is designed to benefit the Department, its members, and members of the community by providing recorded material for:
 1. Evidence in court proceedings;
 2. Department training;
 3. Improved complaint resolution; and
 4. Potential public release to enhance public trust in Department activities.
- The BWC system does not live stream system data.
- Violations of the BWC program policies may result in discipline.
- Collective bargaining may not be used to negate or alter any of the requirements of Public Safety Article §3-511.

SYSTEM LIMITATIONS

- A BWC does 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.).
NOTE: System recordings lack the officer's perception of what is taking place.

- Camera wear location and the activities being conducted may affect the degree to which a recording approximates the vantage point of the recording officer.
- The BWC system does not analyze biometric or situational awareness data.

TECHNOLOGY SECTION COMMANDER

- Serves as the Body Worn Camera Program Administrator for the Department.
- Ensures all officers who regularly interact with members of the public are issued a BWC as required by Public Safety Article §3-511.

TECHNOLOGY SECTION (TS)

- Provides first line support to field users of the BWC system.
- Responds to collect BWCs and upload/tag/categorize recordings from members involved in:
 1. Police involved shootings.
 2. In custody deaths.
 3. Other incidents of police activity where death occurs.
 4. Any other incident as directed by a bureau chief or higher.
- Manages BWC system user accounts.
- Manages BWC system and device settings.
- Ensures the DEMS is configured to:
 1. Enforce security and access controls satisfying County and Criminal Justice Information Services (CJIS) security standards.
 2. Automatically create and track audit and access logs, including all viewing, copying, and editing.
 3. Preserve unedited original versions of stored recordings.

SHIFT/UNIT COMMANDERS

- Notify the TS to respond and collect BWCs from members involved in:
 1. Police involved shootings.
 2. In custody deaths.
 3. Other incidents of police activity where death occurs.
 4. Any other incident as directed by a bureau chief or higher.

16-1.1 BODY WORN CAMERA (BWC) WEAR**GENERAL**

- BWCs will only be worn for official purposes.
- BWC devices are individually issued and assigned to sworn members.
- Sworn members acting in the capacity of a federal task force officer or working with a federal task force performing task force-related duties will wear their BWCs consistent with the Department's agreements with the applicable federal agency.

SWORN MEMBERS

- Only wear a BWC after they have been trained in the use of the system and the Department's BWC policy.
- Only wear Department issued recording devices and accessories.
- Will be in uniform or have their badge or the Department's insignia (i.e., shoulder patch) prominently displayed when wearing a BWC.

NOTES:

1. Articles of clothing containing the word "Police" alone, do not satisfy this requirement.
 2. The mere verbal identification, or showing of their badge or Department identification card for identifying purposes, does not satisfy this requirement.
- Only wear the device assigned to them.
 - Assigned a BWC will wear their devices as directed in the Department's policies.
 - Shall wear their BWC in a manner consistent with their training, with the power on, using authorized mounting systems, when the BWC is worn.

EXCEPTION: BWCs:

1. Will be powered off while a member is within an area of a departmental facility specifically marked (e.g., restrooms, etc.); and
 2. May be powered off while a member is testing BWC integrated equipment/devices (e.g., vehicle emergency equipment, conducted electrical weapon (CEW), etc.).
- NOTE:** Member's BWCs will be returned to standby mode upon leaving the specifically marked area or completion of the testing of the integrated equipment/devices.
- Shall don their BWC as soon as it is safe, practical, and possible to do so when transitioning from a capacity that did not require the wear of their BWC to a capacity that requires its wear.
 - Ensure their BWC is charged, and has sufficient recording space available, prior to their next tour of duty.
 - Ensure all recordings are uploaded to the DEMS within 72 hours.

EXCEPTIONS: Prior to the end of their tour of duty, members will upload recordings:

1. Pertaining to incident reports that must be completed and approved by a supervisor and a shift commander prior to the end of the officer's tour of duty; and
 2. Requested by a supervisor or commander (e.g., recordings related to a compliment or complaint, an incident anticipated to generate media or public interest, etc.).
- NOTE:** See Field Manual, Article 8, Section 1.4, Report Completion and Submission.
- Ensure their BWC is available to them to allow compliance with the requirements contained below under **SWORN MEMBERS REQUIRED TO WEAR THEIR BWCs** (e.g., while attending court in uniform on a leave day, operating a departmental vehicle in uniform while off duty, etc.).
 - Discovering that they possess another member's BWC will immediately notify their supervisor who will contact the Technology Section (TS) for instructions.

SWORN MEMBERS REQUIRED TO WEAR THEIR BWCs

- On duty members wearing any class of uniform.
NOTE: Members must be aware that some Class D uniforms only display the Department's logo and do not comply with the requirements contained in Courts and Judicial Proceedings Article §10-402. Members wearing one of these uniforms must display their badge or the Department's insignia (i.e., shoulder patch) while wearing their BWC.
- On or off duty members operating a departmental vehicle in uniform.
- Members wearing plain clothes or business attire if they are:
 1. Wearing any type of external ballistic or tactical vest carrier; or
 2. Participating in enforcement or investigative activity while prominently displaying their badge or Department's insignia (i.e., shoulder patch).**NOTE:** Members wearing plain clothes or business attire are not required to wear their BWC during the normal course of their duties, unless the above criteria have been met.

EXCEPTIONS: Members are not required to wear their assigned BWC:

1. While wearing the Class A uniform.
2. In circumstances where in-person interactions with members of the public are not anticipated (e.g., inside an office in a secured facility, etc.).
3. If it is planned or reasonably anticipated that they will be surreptitiously recording an interview utilizing another Department-issued recording device.
NOTE: All surreptitious recordings must be done in compliance with Courts & Judicial Proceedings Article §10-402.
4. If they are acting in the capacity of a task force officer or working with a federal task force performing task force related duties and the Department's agreements with the federal agency does not permit the wear of the member's Department-issued BWC.
5. While conducting interviews in a room that is being audio visually recorded with equipment issued by the TS specifically for the purpose of recording interviews.

EXCEPTION: When the TS Commander has approved a specified BWC for recording interviews.

- Must wear their BWC's point-of-view camera attachment, unless authorized by their precinct/section commander.
EXCEPTION: A precinct/section commander may not authorize a member to use their BWC without their point-of-view camera attachment if:
 1. The member is wearing a Class B or Class C uniform; or
 2. It is reasonably anticipated that the member will be participating in:
 - a. The service of an arrest or search warrant; or
 - b. Enforcing the Transportation Article.

NOTE: Precinct/section commanders who authorize members of their command to use their BWC without their point-of-view camera attachment will communicate their approval, in writing, to the members of the command.

- May wear their point-of-view camera attachment when not required, at the member's discretion.

DEVICE TESTING AND SUPPORT

- Members who are wearing or may be required to don a BWC will perform a BWC function test at the beginning of each shift.
NOTE: See training materials for information concerning BWC function testing.
- Members discovering a BWC is malfunctioning, at any time, will immediately report the issue by placing an Office of Information Technology (OIT) service ticket.

16-1.2 BODY WORN CAMERA (BWC) ACTIVATION AND DEACTIVATION**GENERAL**

- Policies contained in this section apply only to sworn members wearing a BWC, and do not place additional requirements on the duties of members who are not wearing a BWC in accordance with this policy.
- 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 sworn 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.
- BWCs will be automatically activated by the activation of BWC integrated equipment/devices (e.g., vehicle emergency equipment, conducted electrical weapon (CEWs), etc.) within signal range.

NOTES:

1. Sworn members must be cognizant of automatic activation of their BWC, and adhere to public notification and deactivation requirements, when applicable.
2. Sworn members are reminded that areas that are subject to high rates of automatic activation (e.g., precinct parking lots, etc.) do not remove them from the Activation and Deactivation requirements of the Department's policy (e.g., a member wearing a BWC is required to record their interaction with a suspicious subject on a precinct parking lot, etc.).

SWORN MEMBERS

- Only activate their BWCs for official purposes.
- Will activate and deactivate their devices as directed in the Department's policies.
- Acting in the capacity of a federal task force officer or working with a federal task force performing task force-related duties will activate and deactivate their BWCs consistent with the Department's agreements with the applicable federal agency.

PUBLIC NOTIFICATION

- Sworn 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.

- 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.

REQUIRED BWC ACTIVATION

- Sworn members wearing a BWC will activate the device as soon as possible unless it is unsafe, impractical, or impossible.
- The device will be activated in the following circumstances whether or not they are engaged in a call for service:
 1. Enforcement or investigative activity (e.g., traffic stops, searches, pursuits, arrests, field interviews, stop and frisk situations, traffic accident investigations (i.e., those meeting the Crash Investigation Policy (CIP) Criteria and those where no report is required), etc.).
EXCEPTION: Members conducting stationary surveillance without any other required BWC activation criteria are not required to activate their BWC until they become mobile or some other required BWC activation circumstance is encountered.

2. Execution of all search and seizure warrants.

EXCEPTION: The activation of a BWC is not required for search and seizure warrants for items in police custody.

NOTES:

1. All search and seizure warrant services within Baltimore County require a minimum of two BWC equipped members.
2. Members who are BWC equipped will be utilized when the Department entity serving the search and seizure warrant is not BWC equipped; and/or when the search and seizure warrant is being served by another agency.
3. An on-scene supervisor will make a reasonable effort to ensure that a minimum of two designated BWC members are placed in an appropriate vantage point to see and record the entry, particularly the announcements made (e.g., knocking and announcing to alert occupants that the police are at the door, etc.) and manner of entry (e.g., whether an occupant came to the door, key was used, ram was used, etc.).
4. A minimum of one BWC equipped member will remain after the location has been secured and will be responsible for capturing recordings of:
 - a. Each room/area of the location, structure, or vessel, before and after the search;
 - b. Each occupant of the location/structure/vessel, including questioning as to whether each occupant has sustained any injuries;
 - c. Any injuries to occupants;
 - d. The reading of Miranda rights;
 - e. The reading of the valuables statement; and
 - f. All consent searches.
5. See Field Manual, Article 7, Evidence, for additional requirements during the service of search and seizure warrants.
3. Other activities of a potentially confrontational nature.
4. Vehicle operations in emergency status.
5. Interactions with or transport of a person in custody (e.g., interactions with prisoners, transportations of subjects for emergency evaluations, etc.).

EXCEPTION: Unless prohibited by this policy.

NOTE: When a recording prohibition or deactivation criteria (e.g., interaction with a confidential informant, etc.) is encountered the member will deactivate their BWC. However, in all circumstances, when the recording prohibition or deactivation criteria no longer exists, and the required BWC circumstance still exists (e.g., the interaction with the confidential informant has concluded, but the member is still conducting investigative activities, etc.), the member must resume recording.

BWC RECORDING PROHIBITIONS

- By members who are off duty.
- Non-duty related personal activities.
- Within 500 feet of bomb threat scenes.

NOTE: The device must be powered off at the controller/battery pack.
- During in depth interviews with sexual assault victims beyond the initial call for service assessment.
- Interactions with confidential informants.
- To capture the strip search of an arrestee.
- To capture images that may not be reproduced by law (e.g., child pornography, etc.).

NOTE: Members shall select the category *Administratively Restricted* when uploading a recording, if they believe an image that is illegal to reproduce was inadvertently captured.
- During court proceedings, unless an on-view incident occurs.

- To capture legally privileged communications (e.g., attorney/client, doctor/patient, etc.).
NOTE: The assessments completed by the Mobile Crisis Team's clinicians are legally privileged communications.
 - Surreptitious recording.
EXCEPTION: Those specifically allowed by Courts & Judicial Proceedings Article §10-402.
 - As a replacement for a recorded interview room and/or equipment issued by the Technology Section (TS) specifically for the purpose of recording interviews.
EXCEPTION: When the TS Commander has approved a specific BWC for recording interviews.
 - Private conversations and administrative activities among Department personnel.
EXCEPTION: During authorized training sessions as directed by an instructor.
 - Outside the state of Maryland.
 - During uniformed secondary employment.
- NOTE:** When a BWC recording prohibition is encountered during an active recording, members will deactivate their BWC when it is safe, practical, and possible to do so. However, in all circumstances, when the recording prohibition no longer exists, and a required BWC circumstance still exists (e.g., the interaction with the confidential informant has concluded, but the member is still conducting investigative activities, etc.), the member must resume recording.

DISCRETIONARY BWC RECORDING

- Sworn 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.).
- Sworn members may activate the device for the purpose of recording a victim, witness, or other individual stating they request to not be recorded when providing a statement or sharing information.
- In order to preserve the dignity of members of the public, sworn 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.).

BWC DEACTIVATION

- When deactivation circumstances exist, the sworn member will deactivate the BWC as soon it is safe, practical, and possible to do so.
NOTE: However, in all circumstances, when the deactivation criteria no longer exists, and a required BWC circumstance still exists (e.g., the member leaves the scene and anticipates no further involvement in the event but is then requested to return, etc.), the member must resume recording.
- Once recording has been activated, sworn members shall not end the recording until one of the following occurs:
 1. The event or encounter has fully concluded.
 2. The member leaves the scene and anticipates no further involvement in the event.
 3. A supervisor has authorized that a recording may cease because the member is no longer engaged in a related enforcement, investigative, or transportation activity.
 4. When a BWC recording prohibition is encountered.
 5. When the member's video must be played back in the field.
 6. Required activation circumstances no longer exists, or did not exist, and the member has determined that:
 - a. A heightened expectation of privacy exists and deactivation is necessary in order to preserve the dignity of members of the public (e.g., locker rooms, restrooms, etc.).
 - b. An accidental activation has occurred.

7. 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.
8. As directed by an instructor during an authorized training session.
9. During conversations between Department members discussing investigative strategies, tactics, or related legalities of an incident.
NOTE: When the conversation has ended, members will resume recording.

REPORTING

- Activation of a BWC to collect system data (i.e., video and/or audio) is not a replacement for a detailed report.
NOTE: Members will adhere to all Department reporting requirements, regardless of whether BWC system data has been captured of the incident.
- The availability of BWC system data will be documented by:
 1. Selecting “Yes” from the dropdown for the question “Body camera footage available?” on the *Administrative* tab, for incident reports (i.e., Case Reports and Officer Reports) generated within the Records Management System (RMS).
 2. Indicating in the narrative that BWC recordings are available, for reports generated outside of the RMS and for charging documents.
- Members who are assigned a BWC must notify a supervisor, and document an explanation in the incident report, upon becoming aware of a required recording incident that was not recorded.

TECHNOLOGY SECTION (TS) VIDEO MANAGER

- Sends notification to precinct/section commanders regarding identified BWC deficiencies (i.e., failures to activate BWC).

PRECINCT/SECTION COMMANDERS

- Ensure that deficiencies (i.e., failures to activate BWC) that have been identified by the TS Video Manager for members of his/her command are addressed.

16-2.0 BODY WORN CAMERA (BWC) SYSTEM RECORDINGS**SYSTEM RECORDINGS**

- Are the property of the Department.
- Will not be altered or tampered with in any manner.
- Will be uploaded to the Department's DEMS without exception.
- Will not be copied, released, altered, or subject to unauthorized review.
EXCEPTION: When copied, released, altered, or subject to unauthorized review for:
 1. An official law enforcement purpose; or
 2. As authorized by the Chief of Police or the Technology Section (TS) Video Manager.
- Will not be deleted without authorization from the TS Video Manager.
- 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.
- May not be:
 1. Used to create a database or pool of mugshots.
 2. Used as fillers in photo arrays.
 3. Searched using facial recognition software.
EXCEPTION: Recognition software may be used to analyze the recording of a particular incident when a supervisor has reason to believe that a specific suspect or person in need of assistance may be the subject of a particular recording.
- Are accessible to members based upon the member's rank and assignment within the Department.
- Will be labeled with the proper identification (ID), title, and category(ies) by the uploading member.

SWORN MEMBERS

- Are responsible for the timely upload, classification, and tagging of their own recordings.
EXCEPTION: Recording uploads conducted by TS personnel.
- Use the dock for uploads unless otherwise authorized by a supervisor or the TS.
- Use the mobile device for playback, tagging, and categorizing in the field prior to docking the BWC, when practical.
- Categorize as *Administratively Restricted* accidental recordings that would jeopardize individual dignity or modesty, and document requests for deletion of such recordings on a Form 12L, Intra-Department Correspondence, submitted through their chain of command to the TS.

MEMBERS UPLOADING SYSTEM RECORDINGS

- Ensure:
 1. 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 *ID* field for recordings that are not associated with a particular incident. 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.
 2. Any related CC numbers are entered in the *Title* field (e.g., related incidents, warrants, etc.).
- Are responsible for confirming that information entered and/or imported from the Computer Aided Dispatch (CAD) system is correct.
NOTE: Information that is entered incorrectly may result in difficulty locating the video at a later time, incorrect retention periods, and/or a failure to automatically share information with the State's Attorney's Office.

CORPORALS/SERGEANTS/LIEUTENANTS

- Ensure restricted categories have been appropriately applied.

PRECINCT/SECTION COMMANDERS

- Ensure that deficiencies (e.g., uncategorized recordings, recordings given incorrect categories or incorrect CC numbers, etc.) that have been identified by the TS Video Manager for members of his/her command are addressed.

TECHNOLOGY SECTION (TS) VIDEO MANAGER

- Sends notification to precinct/section commanders regarding identified BWC deficiencies (e.g., uncategorized recordings, recordings given incorrect categories or incorrect CC numbers, etc.).

CATEGORIES AND RETENTION

- All categories that apply to the recording will be selected in the *Category* field.
- Members will select at least one primary category (i.e., 1 to 8) for each BWC recording.
- Additional categories will be selected when applicable.
- Investigators should create a case for a video if:
 1. The offense is upgraded or downgraded to ensure the proper retention period is selected.
 2. The jail sentence and/or appeals timeline are found to be longer to ensure the evidence is maintained.
- System recordings will be automatically deleted when the retention period is completed unless held in a case for specific investigatory or judicial purposes.
NOTE: Selection of an incorrect category may cause system recordings to be automatically deleted while they are still needed for specific investigatory or judicial purposes.
- The Department's categories and retention periods are:
 1. *Miscellaneous and Non-Criminal*
Retention: 18 months.
Use: Field interviews, non-criminal calls, and accidental recordings.
 2. *Routine Traffic*
Retention: 18 months.
Use: Non-jailable and non-arrestable traffic.
 3. *Misdemeanors and Serious Traffic*
Retention: 3 years.
Use: All misdemeanors, jailable and arrestable traffic, and crashes.
 4. *Felony Miscellaneous*
Retention: 10 years.
Use: All felonies not listed in number 5.
 5. *Felony Specified*
Retention: Indefinite.
Use: Homicides, rapes, and first and second degree sex offenses.
 6. *Administrative Investigations*
Retention: 5 years.
Use: Use of force incidents, pursuits, and unusual occurrences.
 7. *CEW Compliance*
Retention: 5 years.
Use: Subject becomes compliant without the discharge of a conducted electrical weapon (CEW).
 8. *Training or Testing*
Retention: 18 months
Use: CEW Spark tests, authorized training, function checks.

9. *Administratively Restricted*

Retention: 5 years.

Use: 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.

10. *Pending Review*

Retention: Indefinite

Use: Technology Section only.

- Members will notify their corporal, sergeant, or lieutenant when categorizing a recording with a restricted category.

EXCEPTION: Members of the rank of lieutenant or above.

16-2.1 ACCESS TO BODY WORN CAMERA (BWC) SYSTEM RECORDINGS AND AUDIT TRAILS**MEMBERS**

- Have access to their own recordings, and recordings shared by other members.
- Are authorized to access recordings for the following purposes:
 1. Report writing or preparation of other official documents.
 2. Court preparation.
 3. Review of prosecution evidence.
 4. Review of victim/witness/suspect statements.
 5. Crime scene observations.
 6. Statement of charges preparation.
 7. Clarifying observations at the scene of an incident.
- Must share recordings with the State's Attorney's Office, upon charging a juvenile suspect.
- Share their recordings with other members and the State's Attorney's Office upon request to further an investigation or for other official purposes.
- Are responsible for proper tagging and categorizing of videos to ensure that videos which require sharing with the State's Attorney's Office are automatically shared.

CORPORALS/SERGEANTS

- Have access to all non-restricted recordings.
EXCEPTION: Corporals who are not detectives have access to their own recordings and other members' non-restricted recordings within their command.
- Are authorized to access recordings for the following purposes in addition to those listed for members:
 1. Complaint investigation and resolution.
 2. Administrative investigations.
 3. Pursuant to an established Performance Enhancement Plan (PEP).
 4. To further collaborative operational needs.
 5. Auditing to comply with the Line Inspection program.
- Are restricted from accessing recordings for the purpose of:
 1. General performance review.
 2. Routine preparation of performance reports.
 3. Searching, without cause, for policy violations to initiate disciplinary action.
- May share recordings with other members, and the SAO as necessary.

LIEUTENANTS

- Have access to all non-restricted recordings and audit trails.
- Are authorized to access recordings for the same purposes as those listed for Corporals/Sergeants.
- Have the same restrictions as those listed for Corporals/Sergeants.
- May share recordings with other members, and the SAO as necessary.

EXECUTIVE CORPS MEMBERS

- Who are sworn - have access to all recordings and audit trails, including restricted recordings.
- Who are non-sworn and have been designated by the Chief as requiring access - have access to all recordings and audit trails, including restricted recordings.
- With access, are authorized to access recordings for the following purposes in addition to those listed for Corporals/Sergeants:
 1. Identifying training needs.

2. Incident critique.

NOTE: May approve review of BWC footage of a critical incident by medical or mental health professionals consulted by the Department for the limited purpose of addressing the involved officer's medical or mental health needs. These reviews may only be done after consultation with the prosecuting authority to ensure the review will not negatively impact the integrity of the case.

- Have the same restrictions as those listed for Corporals/Sergeants.

INTERNAL AFFAIRS DIVISION (IAD)

- Has access to all recordings and audit trails.
- Is authorized to review any recording in the event of an alleged violation of law, or administrative procedure.
- Ensures that members and their representatives are given the opportunity to review all related recordings prior to providing a statement during an administrative investigation.

TECHNOLOGY SECTION (TS)

- Is authorized to access recordings for the following purposes:
 1. Technical and user support.
 2. Sharing of recordings within the Department beyond those recordings available to field personnel.

TECHNOLOGY SECTION (TS) VIDEO MANAGER

- Has access to all recordings and audit trails.
- Is authorized to access recordings for the following purposes:
 1. BWC recording system administration:
 - a. Extending retention.
 - b. Sharing of recordings beyond those available to field personnel.
 - c. Reassigning ownership of recordings.
 - d. Selecting/removing a restricted category.
 - e. Pre-deletion review.
 2. BWC policy compliance, including:
 - a. Categorization.
 - b. Titling.
 - c. Tagging.
 3. Recording release requests, including:
 - a. Maryland Public Information Act (MPIA).
 - b. Subpoenas.
 - c. Court Orders.
 4. Redaction and reproduction processing, including:
 - a. *Publicly Releasable*.
 - b. *Person in Interest Releasable*.
 - c. *Non-Releasable*.
 5. Other Departmental needs as directed by the TS Commander or Chief of Police.

LEGAL SECTION

- Is authorized to review any recording in the event of an alleged violation of law or administrative procedure, or incident that could result in legal liability.