

From: Kenneth S. Feher

Sent: Wednesday, November 6, 2024 9:42 AM

Subject: Revised Body Worn Camera (BWC) Policy, Access to BWC System Recordings and Audit Trails.

RELEASE: Revised Body Worn Camera (BWC) Policy, Access to BWC System Recordings and Audit Trails.

EFFECTIVE: Immediately.

This message is being distributed to advise members that Chief Robert O. McCullough has approved revisions to the Field Manual, Article 16, Section 2.1, Access to Body Worn Camera (BWC) System Recordings and Audit Trails.

A copy of the above section with revisions highlighted is attached. This policy supersedes those currently contained in the Field Manual (General Order 2023-01) that were superseded in Message Requiring a Form 159, titled *Revised Body Worn Camera Policies* (released 4/19/2024) and will appear in a future General Order.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 the message and 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).

Police Officer First Class Ken Feher #3965
Baltimore County Police Department
Professional Standards Bureau
Strategic Planning Team
Office: (410) 887-2260

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.
 8. Criminal investigations (e.g., determining crime trends involving same offenders across multiple precincts/jurisdictions, identifying suspects' methods of operation or their identification, linking offenders to a vehicle by comparing traffic stop video to surveillance video, etc.).
- Members will be assigned greater access and authorization to use recordings based upon their rank and assignment, as provided below.
NOTE: Members qualifying for multiple headings, will be provided access and authorization based upon the heading providing the highest access and authorization (e.g., a detective assigned to the Internal Affairs Division (IAD) will be provided IAD's access and authorization, etc.).
- Must share recordings with the State's Attorney's Office (SAO), 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.

OFFICERS DESIGNATED AS DETECTIVES

- Have access to all non-restricted recordings.
- Are authorized to access recordings for the following purpose in addition to those listed for members:
 1. To further collaborative operational needs.
- Are restricted from accessing recordings for the purpose of:
 1. Complaint investigation and resolution.
 2. Administrative investigations.
 3. Auditing to comply with the Line Inspection program.
 4. General performance review.
 5. Searching, without cause, for policy violations to initiate disciplinary action.
- May share recordings with other members, and the SAO as necessary.

NOTE: Officers designated as detectives includes those assigned to investigative units (e.g., Criminal Investigations Bureau (CIB), Precinct Investigative Services Teams (ISTs), Crash Team, etc.). It does not include members assigned temporarily as detectives. Temporarily assigned detectives have the same access to recordings as members.

CORPORALS/SERGEANTS

- Have access to all non-restricted recordings.
- 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.