

# MONTGOMERY COUNTY POLICE DEPARTMENT



## BODY WORN CAMERA SYSTEM

### Pilot Program Evaluation Report



July 27, 2016

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## EXECUTIVE SUMMARY

The mission of the Montgomery County Police Department (MCPD) is to safeguard life and property, preserve the peace, prevent and detect crime, enforce the law, and protect the rights of all citizens. Every positive or negative interaction with a MCPD officer and member of the community has the potential to either strengthen or damage the community's confidence and trust in its police department. The department is committed to working in partnership with the community to identify and resolve issues that impact public safety, enhance community relations, and build and maintain trust and confidence through transparency, accountability, and strong leadership at all levels of the department.

MCPD launched a *Body Worn Camera System (BWCS) Pilot Program* in June 2015. The purpose of the pilot program was to allow the department to test and evaluate all aspects of the program including equipment, infrastructure, support, policy, and training. The *BWCS Pilot Program* participants consisted of officers in a variety of patrol and patrol-related assignments throughout the department, as well as members of the Executive Staff. These individuals used and evaluated the **TASER AXON Body Camera** and **TASER AXON Flex Body Camera** in the field for approximately 9 months. Over the course of this timeframe, 84 officers participated in the pilot program: 65 officers that volunteered to participate, and 19 members of the MCPD Executive Staff. These officers were assigned to various shifts throughout the department, and ranged in rank from *Police Officer I* to *Assistant Chief*. During the pilot program, approximately 55% of the participating officers were assigned to Day Shift (0600 – 1600), 28% were assigned to the Evening Shift (1500 – 0100), and 17% worked the Midnight Shift (2030 – 0630).

Prior to the launch of the pilot program, a new policy governing BWCS use by officers was developed. MCPD Function Code 430 (*Body Worn Camera System Pilot Program*) was implemented on June 8, 2015, and covered documenting evidence and accurately recording, through video and audio, interactions that occur between officers and members of the public (a copy of the policy is included in Appendix A). The directive also addressed legal considerations, prohibited uses, reporting and documentation, access to recordings by the public, and retention requirements. Training for MCPD Executive Staff was conducted on June 11, 2015, followed by eight training sessions for officers participating in the program beginning on June 21, 2015 and concluding in November 2015 [6 classes were held in June; 1 in September; and 1 in November].

During the course of the pilot program, identified evaluation factors were reviewed and measured. This evaluation was supported by an on-line survey (feedback form) using *Survey Monkey* that was completed with the assistance of program participants in order to obtain feedback to assist in evaluating the BWCS equipment, infrastructure, policy, and training, as well as officer's perceptions regarding the use and effectiveness of the BWCS (a copy of the feedback questions is included in Appendix B). This feedback was collected at the midpoint and at the conclusion of the pilot program to identify any variances in key areas for purposes of comparative analysis. A summary of this analysis is provided in Appendix C of this report.

With regard to the equipment issued and evaluated during the pilot program, approximately 62% of the participants used the **TASER AXON Body Camera**, and 38% used the **TASER AXON Flex Camera** during the initial phase of the pilot program. At the midpoint of the program, users were expected to change out the equipment and use a different model camera so they could provide meaningful feedback regarding the operational utility of each camera type and camera preference.

It is interesting to note that at this juncture of the pilot program, most officers that were initially assigned a **TASER AXON Body Camera** were reluctant to switch to the **TASER AXON Flex Camera**, and most participants using the **TASER AXON Flex Camera** requested to use the **TASER AXON Body Camera** for the remainder of the evaluation period.

The following is a summary based on an analysis of the results of the feedback received from pilot program participants and reflects averages computed from the data submitted at the midpoint and end of the pilot program. It should be noted that approximately 74% of the participants provided feedback at the midpoint of the *BWCS Pilot Program*, and approximately 56% provided feedback at the conclusion of the pilot program, which constitutes an average participation rate of 65%.

- 80% of *BWCS Pilot Program* participants preferred the TASER AXON Body Camera compared to the TASER AXON Flex Camera.
- 92% of the pilot program participants stated that the equipment was easy to use.
- 70% of program participants felt that the BWCS equipment was comfortable to wear.
- 94% of participants felt that the equipment was reliable, as well as durable.
- 82% of the participants stated that the equipment remained secure during daily use.
- 69% of participants stated that the camera view remained properly focused during daily use.
- 87% of participants felt that the BWCS equipment remained charged throughout the entire shift.
- 79% of participants felt that the process of *tagging* videos was easy, and 96% felt that *downloading* recorded videos was easy.
- 89% of participants stated that *locating* and *retrieving* recorded videos was easy.
- 94% of participants stated that the *image* and *audio* quality of the BWCS equipment was good.
- 89% of program participants felt that the camera's field of view was adequate.
- 99% of participants felt that the ability to review recordings in the field was beneficial.
- 82% of participants stated that reports completed by officers were more accurate by using BWCS equipment.
- 88% of participants stated that the *quality* of evidence collected and submitted was improved, while 79% stated that the *quantity* of evidence collected and submitted was improved.
- 98% of program participants felt that the ability to review recordings to self-critique was valuable.
- 65% of participants reported that case closures increased (*however, almost 32% did not report observing this factor at the conclusion of the pilot program*).
- 74% of participants felt that they spent less time in court; however, 89% reported spending more time preparing for court.
- 89% of participants reported that citizens tended to behave differently and tended to be more cooperative.
- 78% of the participants in the pilot program reported that citizens tended to be more respectful.
- Only 4% of program participants reported that citizens requested officers to turn the BWCS equipment off before they provided information (*however, approximately 15% of the officers reported not observing this specific factor at the conclusion of the pilot program*).

- 51% of participants reported that suspects were less likely to resist (*however, approximately 18% of the officers reported not observing this specific factor at the conclusion of the pilot program*).
- 84% of participants stated that officers tended to act more professional (*however, approximately 11% of the officers reported not observing this specific factor at the conclusion of the pilot program*).
- 68% of the program participants reported that the use of BWCS equipment *was not* well-received by co-workers, while 95 % of participants reported that BWCS *was* well-received by community members.
- 98% of participants felt that the program support and training provided for the pilot program was adequate.
- 74% of program participants felt that the use of BWCS equipment *does not* eliminate the need for MVS equipment.

**Note:** A series of charts showing the specific midpoint and final results (percentages) of the participant responses to each question is included in Appendix D.

Overall, the results from the feedback provided by *BWCS Pilot Program* participants reflect a significant positive impact from BWCS use in the department, namely in the areas of *evidence collection, report writing, officer, suspect/defendant behavior, citizen behavior, time spent in court, and training value*. Participant feedback also indicated that the technology was reliable and did not present any significant operational issues that might adversely affect future user confidence in the BWCS equipment.

There were several areas that were observed by the participants that showed significant variances from the midpoint to the conclusion of the pilot program. These areas were:

- Reports completed by officers were more accurate (+18% difference indicating that more participants disagreed with this statement at the conclusion of the pilot).
- Quality of evidence collected and submitted was improved (+13% difference indicating that more participants disagreed with this statement at the conclusion of the pilot).
- Quantity of evidence collected and submitted was improved (+16% difference indicating that more participants disagreed with this statement at the conclusion of the pilot).
- Officers will spend less time in court (+29% difference indicating that more participants agreed with this statement at the conclusion of the pilot).
- Case closures will increase (-36% difference). Approximately 32% of officers reported not observing this factor at the conclusion of the pilot; however, from the initial feedback received at the midpoint of the program, it is evident that a significant percentage of officers agreed with this statement. It is also important to point out that the '*Not Observed*' category was not an available option for participants to select at the midpoint of the pilot program. Furthermore, some officers may not have had the opportunity to appear in court during the limited timeframe of the pilot program, therefore they were not in a position to agree or disagree with this statement.

The results for the following evaluation factors were consistent and had little to no variance reported throughout the duration of the pilot program:

- The equipment was reported to be reliable, with good image quality, audio quality, and battery life.
- The process for tagging, downloading, and retrieving recorded videos was easy.
- The ability to review videos in the field was beneficial.

- The ability to review videos to self-critique is valuable.
- Citizens and officers tend to behave differently.
- Citizens tend to be more cooperative.
- Use of body cameras was well received by co-workers.
- Use of body cameras was well received by community members.
- Program support and training provided to program participants was adequate.
- Use of BWCS equipment will not eliminate the need for MVS.

Based on these positive results, as well as the potential benefits of maintaining confidence, trust, and accountability, promoting transparency, and strengthening police/community relationships, MCPD has moved to full implementation of its BWCS program. MCPD began full implementation of its BWCS Program in the latter part of April 2016 commensurate with its first training session for officers, and after the department and FOP engaged in negotiations and agreed to *Article 72 – Body Worn Camera System* in the Collective Bargaining Agreement (CBA). A copy of Article 72 is included in Appendix E. MCPD also reissued Function Code 430 (*Body Worn Camera System*) effective April 20, 2016 to provide guidance to all BWCS-equipped officers engaged in Phase II of the full implementation of the BWCS program (a copy of the policy is included in Appendix F).

MCPD currently has approximately 815 officers equipped with body cameras in the field. Moving forward, MCPD will continue its efforts to evaluate the effectiveness of BWCS use in the department to determine the long-term benefits of the technology to improve public safety, and address any policy, training, or operational issues.

#### *Montgomery County State's Attorney's Office Feedback and Experience*

The Montgomery County State's Attorney's Office played a key role in the MCPD *BWCS Pilot Program*. Representatives from the State's Attorney's Office were members of the *Body Worn Camera Workgroup*, and provided valuable insight and counsel, specifically in the areas of policy development and legal considerations. The State's Attorney's Office is in a unique position in that they are able to observe first hand, the outcome of criminal cases where the court had access to body worn camera video recordings and evaluate its significance. During the course of the pilot program, numerous cases were charged and brought before the court where prosecutors had the benefit of using BWCS footage to support their cases.

Based on these experiences, the consensus of the prosecutors regarding the availability and use of MCPD BWCS recordings was the following:

- BWCS footage aids judges and juries in their fact finding mission.
- BWCS recordings enhance the ability of prosecutors to secure guilty pleas. This was especially evident in cases where the defendant's version of events was contrary to what actually occurred, which judges as well as defense counsel, could clearly discern from reviewing BWCS footage.
- The video and audio quality of the BWCS recordings was good which helped the court clearly observe and hear the circumstances involved in the encounters between the police officer(s) and defendants.
- Reviewing BWCS footage to prepare for cases is a time consuming process, and the time required for this critical step will only increase as more officers are equipped with BWCS equipment.
- The back-end storage system (*Evidence.Com*) is user friendly, although there have been issues associated with State's Attorney's Office staff finding footage.

The main reason for this is that many video recordings are uncategorized by officers. In addition, the primary key for the recordings made in the field is *Event Number* opposed to *Case Report (CR) Number*. The CR Number is the number that is most commonly used by the State's Attorney's Office to locate documentation and evidence associated with a case.

Overall, the feedback from the State's Attorney's Office staff was extremely positive and supportive of MCPD's BWCS Program. With the expansion of the BWCS Program, the department will need to continue to make a concerted effort to continue working in partnership with the State's Attorney's Office to ensure that any issues are resolved in a timely manner so they do not adversely affect future case prosecutions.

## SECTION 1: INTRODUCTION

### **BODY WORN CAMERA PROGRAM POTENTIAL BENEFITS**

Building and maintaining community trust is a cornerstone of successful policing and law enforcement and takes a great deal of continuous effort. On-officer, body worn cameras (BWCs) are an emerging technology, lauded for their contribution to police accountability and transparency, as well as their evidentiary value, and an increasing number of police departments are deploying them. BWCs are mobile audio and video capture devices that allow officers to record what they see and hear. They can be attached to various body areas, including the head; by the helmet, glasses, or other means; or to the body by means of the pocket, badge or other means of attachment.

Among the police departments that use BWCs, there is an overall perception that the cameras provide a useful tool for law enforcement. Whereas in-car video cameras record what can be seen from an officer's patrol vehicle, BWCs record what is happening when an officer is engaged in duties outside of the vehicle in order to supplement or

BWCs are to record evidence of activities and behaviors relevant to police-citizen encounters, deter violence or negative behavior against an officer, improve the accountability of police officers, and reduce the number of complaints made against officers.

BWCs are helping to prevent problems from arising by increasing officer professionalism, reducing citizen complaints, and helping agencies evaluate and improve officer performance. Some of the potential benefits of BWC technology that have been identified include the following:

- Improved relationships in terms of police-community relationships, privacy, confidence, trust, legitimacy, internal policies procedures, and internal controls for officers. It is important to note, however, that body worn cameras are not a panacea to solve deep community relations problems and systemic mistrust issues that may exist between a police department and the community.
- Documentation of evidence and crime scenes to further enhance the quality of investigations as well as closure and conviction rates. Police and prosecutors have found that body worn cameras can provide objective, accurate, reliable, and compelling evidence capable of increasing guilty pleas and reducing time spent in court by officers – thereby increasing time spent by officers in communities.
- Resolving officer-involved incidents and complaints by providing a more accurate and objective record of events and resolving issues more quickly. When police officers or members of the public violate the law and officers intervene, BWCs can create a public record that allows the entire community and the courts to see what actually happened. Recordings can eliminate speculation and address unsubstantiated allegations of misconduct which frequently occur following critical incidents such as an officer involved shooting, an in-custody death, or other incidents that result in serious injury or death. In these critical and controversial instances, an objective and factual video recording from the officer's perspective can be invaluable for the officer, the department, and the community.

- Reductions in confrontations between officers and members of the public, and reductions in use of force incidents.
- Reductions in lawsuits and a valuable resource in defending against in civil litigation.
- Body worn camera recordings can provide material for valuable self-critique, as well as internal training material in the interest of strengthening and improving officer performance and ultimately increasing officer safety.
- The technology has the potential to increase the effectiveness of the police response to crime in general and domestic violence specifically.
- Regular recording of officer-involved incidents might improve the level of recollection of the incidents when the officer is completing their field reports, and later during court proceedings. The recordings can be entered into evidence as further proof of the incident, which has the potential of leading to higher rates of arrest, prosecution, and conviction.

### ***BODY WORN CAMERA PROGRAM POTENTIAL LIMITATIONS***

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

- A body worn camera documents a broad scene, but cannot document where within that scene the officer is looking at any given instant. If the officer glances away from the camera's field of view, he or she may not see actions captured by the recording.
- The camera cannot acknowledge physiological and psychological phenomena that an officer may experience under high stress.
- Some important danger cues cannot be recorded. The camera cannot record the history and experience that an officer develops over time as a result of participating in many encounters. In other words, the camera captures the officer's actions, not the officer's senses and interpretations.
- Depending on the mounting location and body position, the camera view may be obscured and possibly blocked by parts of the officer's own body.
- High-tech camera imaging may potentially produce images with more clarity than the human eye sees, especially in low light conditions. When footage is screened later, it may actually be possible to see elements of the scene in sharper detail than an officer could at the time the camera was activated. If an officer is expected to have seen that as clearly as the camera did, his reaction might seem highly inappropriate. On the other hand cameras do not always deal well with lighting transitions. Going suddenly from bright to dim light or vice versa, a camera may briefly blank out images altogether.
- Body worn cameras require a substantial commitment and investment in finances, resources, and logistics.

### ***BODY WORN CAMERA PROGRAM STUDIES AND EVALUATIONS***

British police agencies were among the first to experiment with and test officer body worn camera technology in 2005 – 2006. Several police agencies in Scotland have also evaluated body worn camera technology. Since that time, there have been several studies of BWC technology use by police departments in the United States. Some of the most notable are summarized below.



### *Rialto (CA) Police Department*

One of the first and well-publicized studies supporting BWCS use by law enforcement was an evaluation conducted by the Rialto (CA) Police Department in 2012-2013. The study involved a randomized controlled trial in which half of the department's 54 patrol officers were randomly assigned to wear body cameras. The Rialto study tested the impact of the cameras on citizen complaints and police use of force incidents, comparing officers who wore the cameras to officers who did not. During the 12-month evaluation period, use of force by officers wearing cameras

However, it should be noted that there were also other department reforms taking place at the time, including training, policy changes, and a change in department leadership.

### *Mesa (AZ) Police Department*

A second study was completed by the Mesa (AZ) Police Department (MPD) in 2013. The MPD purchased 50 cameras, deployed to 25 officers who volunteered for the study and 25 randomly selected officers. Additionally, another 50 officers were tracked as a control group for the BWC intervention. The evaluation focused on the system's impact on reducing civil liability, addressing departmental complaints, and enhancing criminal prosecutions. The evaluation also examined officer perceptions of the technology at multiple points in time throughout the study period.

During the first six months, officers were directed to activate the cameras during contacts with the public and when practical. During the second six months of the study, officers were encouraged to use the BWCs, but were permitted to use them at their discretion. During the required use period, there were 2,327 BWC activations, which declined 42% (n=1,353) during the discretionary use period. The study found 60% fewer citizen complaints among officers wearing the BWCs, when compared to the non-BWCs control officers.

### *Phoenix (AZ) Police Department*

The third evaluation, conducted by the Phoenix (AZ) Police Department and Arizona State University as part of the Bureau of Justice Assistance's Smart Policing Initiative (SPI) in 2013, involved 56 officers wearing BWCs. The study tested whether the cameras deter unprofessional behavior from officers, lowered citizen complaints, reduced citizen resistance, and disproved allegations against officers. The study also assessed whether the cameras enhance response to domestic violence cases (e.g., increased charging, prosecution, and conviction rates).

Based on the results of the study, researchers reported the following positive benefits:

- The number of arrests increased by about 17% among the target group compared to 9% in the comparison group.
- Complaints against the police declined significantly. Complaints against officers who wore the cameras declined by 23%, compared to a 10.6% increase among comparison officers and a 45.1% increase among patrol officers in other precincts.
- Those officers who wore cameras and received a complaint were significantly less likely to have the complaint sustained when compared to the comparison group and other patrol officers throughout the department. This suggests that even if a complaint was made against an officer wearing a camera, the video recording was likely to provide support for the officer.
- The officer self-report data suggested that a significant number of complaints were not pursued because of access to video recordings. BWCs did not appear, however, to have an impact on suspect behavior as measured through resisting arrest charges.
- Additionally, with regard to the impact of body worn cameras on domestic violence case processing, analysis of the data indicated that following the implementation of body cameras, cases were significantly more likely to be initiated, charges being filed, and result in a guilty plea or guilty verdict.

### *Orlando (FL) Police Department*

In 2014, the Orlando (FL) Police Department (OPD) partnered in a pilot/research project with the University of South Florida (USF) that looked at how body worn cameras (BWCs) impact officer use of force complaints, officer and citizen injuries, what the officer's attitudes and perceptions towards BWCs were, and how the key stakeholders perceived the implementation of a BWC program. Two groups of officers participated in this study, approximately 50 officers wearing BWCs and a control group of approximately 50 officers without cameras. The study compared statistics and data during the study period with statistics and data for the same officers for 12 months prior. Officers were also surveyed regarding behavior and perception of cameras.

The study concluded that OPD officers were generally supportive of BWCs and believed that the cameras assisted in reducing officer complaints and internal investigations. The study determined that the officers viewed the implementation of cameras as an extreme benefit in training scenarios, and found that most complaints could be quickly resolved in the field. The study also determined that officer complaints and the number of use of force events decreased during the study period; total officer complaints declined by 29.37%, with a 33% reduction in internal complaints, officer injuries decreased, injuries to suspects decreased, and the number of use of force events decreased by 7.7%.

**Note:** NIJ is currently funding two additional studies — a CNA Corporation study of the impact of body-worn cameras in the Las Vegas Metro Police Department, and a Los Angeles Police Foundation evaluation of body-worn video technology in the Los Angeles Police Department. The results of these studies are expected to be published later this year or in early 2017.

### **MARYLAND WIRETAP ACT LEGISLATION**

Until recently, absent specific limited exceptions, the *Maryland Wiretap Act* required two party consent in order to use a body worn camera to audio record private conversations. This created a significant roadblock to the implementation of body worn camera programs based on established best practices. During the 2015 Legislative Session, the General Assembly passed *Emergency Senate Bill 482* which was signed by the Governor on May 12, 2015. The law provides for a new exception to the two-party consent requirement, and makes it lawful for a Law Enforcement Officer, in the course of the officer's regular duty, to intercept an oral communication (defined as a "private conversation"), with a body worn camera, IF the following requirements are met:

1. The Law Enforcement Officer is in uniform OR prominently displaying the officer's badge OR other insignia;
2. The Law Enforcement Officer IS A PARTY to the oral communication;
3. The Law Enforcement Officer NOTIFIES, as soon as is practicable, the individual that the individual is being recorded UNLESS it is unsafe, impractical, or impossible to do so; AND
4. The oral interception is being made as part of a videotape or digital recording.

The new law created a *Body Worn Camera Commission* to study and make recommendations for best practices for use of body cameras by law enforcement officers. The Commission was required to report its findings and recommendations to the Maryland Police Training Commission (MPTC) and General Assembly by October 1, 2015.

The Commission submitted its *Final Report, Including Findings, as to Best Practices and a Recommendation to the General Assembly* on September 16, 2015. By January 1, 2016, MPTC was required to develop and publish a policy for the issuance and use of body worn cameras by law enforcement officers based on the commission's report. Each jurisdiction's fully implemented body worn camera program must conform to the MPTC policy. Jurisdictions that begin a body worn camera pilot program BEFORE MPTC publishes its policy guidance are not required adhere to the MPTC policy for the duration of the pilot program.

The MPTC published its *Body Worn Camera Model Policy* on January 8, 2016 (which is included in Appendix G). These minimum standards have been adopted by MPTC in accord with Section 3-511 of the *Public Safety Article* which required the MPTC to develop and publish online, a policy for the issuance and use of a body worn camera by a law enforcement officer. In summary, agencies must issue a written policy prior to implementing a BWC program, and it must meet or exceed the minimum standards in the model policy, and every law enforcement officer using a BWC in the State of Maryland must make a reasonable effort to comply with these standards.

### ***MCPD BODY WORN CAMERA SYSTEM PILOT PROGRAM DESCRIPTION***

MCPD formed a *Body Worn Camera Workgroup* comprised of representatives from each of the bureaus in the department, as well as the Training and Education Division, IMTD, the County Attorney's Office, and the Montgomery County State's Attorney's Office. For almost a year, workgroup members conducted research, met with

organizations, and they contacted other agencies that had implemented BWCS programs to benefit from any lessons learned and to identify best practices.

As a result of these efforts, MCPD selected BWCS equipment manufactured by TASER™ International since they were the only vendor at the time that met MCPD's technical specifications and operational requirements. MCPD executives also served on the Governor's Office of Crime Control and Prevention's *Body Worn Camera Workgroup*, and played an integral role on the *Commission Regarding the Implementation and Use of Body Cameras by Law*

MPTC and the General Assembly.

As stated previously, MCPD officially launched its *BWCS Pilot Program* in June 2015 to test and evaluate **TASER AXON Body Camera** and the **TASER AXON Flex Body Camera** in the field for approximately 9 months. 84 officers participated in the pilot program, that included 65 officers that volunteered to participate, and 19 members of the MCPD Executive Staff. Eight (8) four-hour training classes were conducted for program participants by staff from the MCPD Information Management and Technology Division (IMTD) and Training and Education Division executives.

The classes covered basic operation of the TASER AXON BWCS equipment, MCPD's *Body Worn Camera Pilot Program* policy (Function Code 430 (*Body Worn Camera Pilot Program*)), legal considerations, prohibited uses, reporting and documentation, access to recordings by the public, and retention. As part of the launch of the pilot program, IMTD also completed infrastructure upgrades at the district stations and PSHQ to install the requisite network cabling and hardware to support the BWCS equipment (e.g., docking stations).

## **SECTION 2: LESSONS LEARNED**

Based on the feedback received during the pilot program, there are several valuable lessons learned that provide direction for the future department-wide implementation of BWCS technology. In terms of the **TASER AXON Body Camera** and **TASER AXON Flex Body Camera**, the findings suggest that officers were pleased with the overall operational aspects of the TASER BWCS equipment; however, more than three-fourths of the participants in the pilot program preferred the **TASER AXON Body Camera** over the **TASER AXON Flex Body Camera**. This preference was primarily related to the battery and cable design associated with the Flex Camera. Many officers commented that the **TASER AXON Body Camera** was easier to use since it did not have any wires to deal with, which many officers reported became disconnected from the unit while in operation. There were also comments received that the camera itself was not as stable as the Body Camera, and it fell out of the mount in some situations. The battery life, durability, ease of use, reliability, comfort, image and audio quality of the **TASER AXON Body Camera** was highly rated by users. Users also consistently reported that the ability to retrieve and view recorded videos in the field was easy, as was the process for downloading and tagging videos.

One area that was identified by both management and officers during the pilot program is related to the process of tagging videos. During the pilot program, it was learned that approximately 40% of the videos in *Evidence.Com* were ‘*uncategorized*,’ meaning that officers did not characterize the video according to policy and training guidelines. The impact of this is realized when it is necessary to retrieve videos in response to a formal request or for training purposes. Uncategorized videos make it extremely difficult and time consuming to locate video recordings, which will only get worse as the number of recordings and officers increases. During the pilot program, MCPD worked with IMTD and the Montgomery County State’s Attorney’s Office to address this issue by providing an expanded detailed list of categories based on a set of retention guidelines established with the help of State’s Attorney’s Office staff. Although there is an effort underway to automate a significant portion of this process in the future, it is still incumbent upon officers to properly categorize video recordings.

More than 80% of the pilot program participants reported positive impacts of using BWCS on the quality and quantity of evidence, report writing, and citizen/officer behavior. The overwhelming majority of participants also reported that the training and program support provided during the pilot program was adequate. However, one area of note that was reported during the pilot program was that although the use of BWCS was well-received by community members, it was not well-received by some co-workers of program participants. This could be attributed to several factors, including miscommunication and perception issues and concerns among the rank and file related to the rollout of the department’s BWCS program.

Anecdotally, information was obtained during the pilot program that many officers felt that deployment of the BWCS equipment by department executives was due to a lack of confidence and trust in officers to “do the right thing.” Many officers voiced concerns about supervisors going on random “fishing expeditions” to specifically look for video recordings of encounters where officers did not follow proper policy or procedure, and then discipline them. There were also comments made that the only reason that the department purchased BWCS equipment was due to pressure from the community and county council. Although many department Executive Staff attempted to address these concerns and issues by attending roll calls and in other venues, there still appears to be some degree of skepticism among the rank and file regarding the underlying purpose and potential benefits of the agency’s *BWCS Program*. This is a similar experience that has been reported by many other law enforcement agencies across the country that have been involved in implementing BWCS programs.

This is an area that should be monitored and reevaluated during the full implementation phase of the *MCPD BWCS Program*. Due to the limited number of participants and duration of the *BWCS Pilot Program*, other key indicators and measurements of program effectiveness such as increased officer productivity, a reduction in the number of citizen complaints made against officers, and increases in the effectiveness in which criminal cases are processed in the courts and convictions, were not evaluated as part of the pilot program. However, notwithstanding these factors, the feedback that was received from participants in the *BWCS Pilot Program* indicate extremely positive experiences, benefits, and support for implementation of the technology throughout the department.

### SECTION 3: SUMMARY

The recent emergence of body worn camera technology has impacted policing, and this impact will increase as more agencies adopt this technology. These cameras can help promote agency accountability and transparency, and they can be useful tools for increasing officer professionalism, improving officer training, preserving evidence, supporting prosecutions, and accurately documenting encounters with the public. However, they also raise issues as a practical matter and at the policy level, both of which the agency should continue to carefully examine. These issues include activation, deactivation, and access to recorded data by the public. The agency must determine what adopting body worn cameras will mean in terms of police-community relationships, privacy, trust and legitimacy, and internal procedural justice for officers. It also means carefully crafting and updating BWCS policies that balance accountability, transparency, and privacy rights, as well as preserving the important relationships that exist between officers and members of the community.

Public perceptions of the police department are largely based on individual experiences and can certainly impact the legitimacy of police actions, especially those actions that involve police use of force. The public expects and deserves a culture of transparency, accountability, fairness, trust, and respect, and every member of the department is held accountable for their actions. In today's environment of heightened public expectations and scrutiny of police department operations, it is important to emphasize that regardless of how well the department believes it is fulfilling its mission, the ultimate measure of success, and the ability to maintain public trust and confidence, is how well the department is able to earn and sustain the trust and respect of the citizens of the county.

In the long term, the *MCPD BWCS Program* has the potential to be a valuable tool for both the agency and the community. However, it is just one tool among many and should not be thought to be a panacea for solving all officer or community issues that arise. First and foremost, it should be remembered that the ultimate purpose of body worn camera technology should be to promote and support public safety, and help officers and prosecutors provide the highest level of service, and continue to protect and serve the citizens of Montgomery County.



# BODY WORN CAMERA SYSTEM PILOT PROGRAM

**FC No.: 430**  
**Date: 06-08-15**

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## **Contents:**

- I. Policy
- II. Definitions
- III. Legal Consideration
- IV. Implementation
- V. General Operational Procedures
- VI. Activation of the Body Worn Camera System
- VII. Prohibited Use
- VIII. Reporting/Documentation
- IX. Internal Access and Use of Recordings
- X. Retention of Data/Records Requests
- XI. CALEA Standards
- XII. Proponent Unit

## **I. Policy**

- A. It is the policy of this department to utilize the Body-Worn Camera System (BWCS) for the purpose of documenting evidence and accurately recording, through video and audio, interactions that occur between officers and members of the public. All BWCS equipment and recordings are the property of the Montgomery County Police Department.
- B. This BWCS policy will be in effect during the BWCS pilot program.

## **II. Definitions**

- A. Body-Worn Camera System (BWCS) – a camera system worn on the person of a uniformed law enforcement officer, or an officer prominently displaying the officer's badge or other insignia, that is capable of recording video and intercepting oral communications.

## **III. Legal Considerations**

- A. Pursuant to the "State Wiretap Act" under Sections 10-401, et seq. of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, it is unlawful for any person to willfully intercept, endeavor to intercept, disclose, endeavor to disclose, use, or endeavor to use any oral communications. "Oral communication" is defined as any conversation or words spoken to or by any person in private conversation.

- B. The State Wiretap Act makes it 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 a party to the oral communication;
  - 3. The law enforcement officer notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
  - 4. The oral interception is being made as part of a videotape or digital recording.
- C. The State Wiretap Act also makes it lawful for a law enforcement officer to intercept an oral communication where the officer is party to the communication and where all parties to the communication have given prior consent to the recording.

#### **IV. Implementation**

- A. The BWCS pilot program will be instituted for designated uniformed officers for patrol and patrol related functions. The BWCS will accurately document events, actions, conditions and statements made during law enforcement related encounters and activities as authorized under this pilot program.
- B. The Department will seek volunteers to be assigned a BWCS.
- C. The Department will train participating officers to use the BWCS. Participating officers will use the BWCS in accordance with their training and this policy.

#### **V. General Operational Procedures**

- A. Only officers trained in the proper use of the BWCS will use the system.
- B. Prior to going into service at the beginning of each shift, officers will perform an inspection of the BWCS in accord with their training to ensure that the BWCS is operating properly. In all cases where there is a malfunction of the BWCS, the officer must report the malfunction to a supervisor in an expeditious and timely manner and as soon as practicable.
- C. Officers will wear their BWCS in the manner consistent with their training at all times.
- D. Officers are only authorized to use a BWCS while in uniform or prominently displaying the officers' badge or other insignia.
- E. Officers may, but will not be required to, use the BWCS while off duty. Any off duty use must be for law enforcement related encounters and activities as authorized under this pilot program policy.
- F. Officers are not authorized to use a BWCS during secondary employment.
- G. Officers will only wear a department issued BWCS.

#### **VI. Activation of the Body Worn Camera System**

- A. Officers shall only activate the BWCS for legitimate law enforcement purposes.
- B. Officers will notify individuals that they are being recorded as soon as practicable, unless it is unsafe, impractical, or impossible to do so.
- C. The BWCS must be activated during all law enforcement related encounters and activities such as, but not limited to, the following examples;

1. All calls for service that are enforcement and investigation related.
2. All enforcement and investigation related citizen contacts.
3. Documentation of evidence that can be used in the prosecution of criminal and traffic offenses.
3. Arrests and transports.
4. Traffic stops.
5. Priority responses.
6. Vehicle and foot pursuits.
7. Suspicious situations.
8. All searches (persons, vehicles, structures, effects), except strip searches.
9. Interviews and interrogations.
10. Mental health interventions.
11. Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.

D. Once the BWCS has been activated, officers will continue to record until the officer has left the scene and anticipates no further involvement in the event, the event has concluded, or a supervisor has authorized that a recording may 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 witnesses and victims have been interviewed;
3. The continued recording will not serve to obtain additional evidence; and
4. No further law enforcement action is likely to occur.

E. Whenever the BWCS equipment is deactivated, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.

F. There may be instances in which officers are required to take immediate action which may not allow time to activate their BWCS equipment. In these exigent circumstances, the officer shall activate his or her BWCS as soon as it is safe to do so and document the reason for the delayed start in the incident report and/or as part of the recording. At no time should an officer jeopardize his or her own safety or the safety of another in order to activate their BWCS.

G. In situations when community members, witnesses, crime victims or other parties wish to share information related to criminal activity, but refuse to do so while being recorded, officers will have the discretion to turn off the BWCS during the interview. The preference is to record such statements; however, it is recognized that such persons may be hesitant to provide information while being recorded due to a fear of retaliation, privacy concerns or a feeling that the information is sensitive.

In these situations, officers may decide that obtaining the information is more important than recording the conversation. In such situation, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.

H. The BWCS may be deactivated during conversations with officers or supervisors during information sharing sessions or discussing tactics and strategy.

I. Officers are required to obtain consent prior to recording an interview with a victim of a sex offense. Consent in these cases must be documented/recorded on camera.

## **VII. Prohibited Use**

A. A BWCS will not be used to create recordings in locker rooms, dressing rooms, and restrooms unless part of a criminal investigation.

B. A BWCS will not be used to create recordings of strip searches.

C. A BWCS will not be used to surreptitiously record conversations of citizens and employees.



- D. A BWCS will not be intentionally activated to record conversations of fellow officers without their knowledge and consent during administrative and non-enforcement related activities.
- E. Officers will not intentionally record undercover officers or confidential informants without their consent.

### **VIII. Reporting/Documentation**

- A. Whenever a BWCS recording is made of an event that results in a police report, the reporting officer must note in the report that the recording exists, if known, and if known, the name(s) of every officer who generated a BWCS recording.
- B. All BWCS recordings must be downloaded by the officer at the end of his or her assigned shift, unless an exception is authorized by a supervisor. The officer will be responsible for properly categorizing and tagging the recording at the time of the download.
- C. In a critical incident (such as an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death), a supervisor may immediately take custody of the BWCS and, in such case, will be responsible for the download.

### **IX. Internal Access and Use of Recordings**

- A. Recordings may be reviewed:
  - 1. By an officer to make sure the BWCS system is working properly.
  - 2. By an officer to assist with the writing of a report or other official document.
  - 3. By an officer to review/critique his or her own performance.
  - 4. By an officer to review/prepare for court.
  - 5. By a person authorized by the department for the purpose of reviewing evidence.
  - 6. By a supervisor.
  - 7. By a person authorized by the department participating in an official investigation such as a personnel complaint, administrative inquiry, or a criminal or civil investigation.
  - 8. By authorized department personnel to assess possible training value.
- B. An Officer required to respond to a citizen or administrative complaint shall have the ability to review any BWCS recording of the subject incident prior to making a statement.
- C. A log will be kept to record access to all recordings. The log will include the:
  - 1. name of the employee accessing the recording;
  - 2. reason for access; and
  - 3. date recording was accessed.

- D. Employees shall not access, obtain, attempt to obtain, or copy/convert for their personal use any recording produced by a BWCS. Employees shall not upload BWCS recordings to public and/or social media websites.

### **X. Retention of Data/Records Requests**

- A. All original BWCS recordings are the property of the Montgomery County Police Department and shall be retained according to the department's retention schedule and consistent with state law and existing evidence protocols, unless a specific request is made to store them for a longer period of time by a person authorized by the Department.
- B. All recordings will be destroyed after 120 days, unless the department deems it necessary to retain the recording for a longer period of time. A recording will be retained if an officer or the officer's representative provides notice to the Department within 120 days of the date of the recording of its potential use in an administrative hearing.

- C. BWCS recordings that can be used in an investigation or captures a confrontational encounter between an officer and a member of the public will be deemed “evidentiary” and categorized and tagged according to the type of incident. Recordings that do not contain evidence or capture routine, non-confrontational encounters will be deemed “non-evidentiary”.
- D. Employees shall not attempt to delete, alter, reuse, modify or tamper with BWCS recordings in any manner.
- E. The public release of BWCS recordings will be conducted in accordance with applicable public records laws.
- F. Recordings will not be disseminated by the employee without receiving written permission under the authority of the Chief of Police.

**XI. CALEA Standards:** 41.3.8

**XII. Proponent Unit:** IMTD



J. Thomas Manger  
Chief of Police

MCPD BODY WORN CAMERA SYSTEM PILOT PROGRAM FEEDBACK FORM

**PARTICIPANT (OFFICER) INFORMATION**

*Please provide the following information before proceeding to the next section.*

\* 1. ID Number

\_\_\_\_\_

\* 2. Timeframe

☐ July -October 2015

☐ November -December 2015

\* 3. Assignment

Other (please specify)

\_\_\_\_\_

## MCPD BODY WORN CAMERA SYSTEM PILOT PROGRAM FEEDBACK FORM

### PARTICIPANT (OFFICER) INFORMATION

*Please provide the following information before proceeding to the next section.*

\* 4. Shift

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\* 5. Rank

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\* 6. Camera Model Used

☐ Taser Axon Body

☐ Taser Axon Flex—Collar

☐ Taser Axon Flex —Glasses

## MCPD BODY WORN CAMERA SYSTEM PILOT PROGRAM FEEDBACK FORM

### EQUIPMENT and INFRASTRUCTURE

*The following set of questions is related to the equipment's operational reliability, ease of use, comfort, etc.*

\* 7. The equipment is easy to use.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 8. The equipment is comfortable to wear.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 9. The equipment is reliable (i.e., no malfunctions) during use.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 10. The equipment is durable (i.e., able to withstand daily use/abuse and remain operational).

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 11. The equipment remains securely attached to the officer's person during daily use.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 12. The camera view remains properly directed and focused during daily use.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 13. The equipment remained charged and operational for the entire shift (e.g., 10 hours)?

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 14. The process of tagging videos is easy.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 15. Downloading recorded videos is easy.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 16. Locating and retrieving recorded videos for a specific incident is easy.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 17. Image quality is good (i.e., clear).

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 18. Audio quality is good (i.e., volume, clarity).

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 19. The equipment's field of view is adequate.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 20. The ability to review recordings in the field is beneficial.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 21. The Taser (Evidence.Com) Smartphone and MDC App is easy to use.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

## MCPD BODY WORN CAMERA SYSTEM PILOT PROGRAM FEEDBACK FORM

\* 22. The Taser (Evidence.Com) Smartphone and MDC app is reliable (i.e., functioned 100 % of the time with no issues).

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 23. Case closures will increase.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 24. Officers will spend less time in court.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 25. Officer will spend more time preparing for court.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 26. Citizens tend to behave differently.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree



\* 27. Citizens tend to be more cooperative.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 28. Citizens tend to be more respectful.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 29. Citizens often requested that officers turn the body worn camera off before they agreed to provide information/be interviewed.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 30. Suspects are less likely to resist.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 31. Officers tend to act more professional.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

## MCPD BODY WORN CAMERA SYSTEM PILOT PROGRAM FEEDBACK FORM

*Please provide responses to the following set of questions based on your overall perceptions having worn a body camera during the pilot program.*

\* 32. The use of body worn cameras is well received by co-workers.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 33. The use of body worn cameras is well received by community members.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 34. Program support provided for the body worn camera system pilot program is adequate.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 35. The training provided for the body worn camera system pilot program is adequate.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 36. The use of body worn camera systems will eliminate the need for Mobile Vehicle System (MVS) video equipment.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree

\* 37. Based on your experience during the body worn camera pilot program, which model camera do you prefer?

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\* 38. Please provide any additional comments, suggestions, or recommendations regarding the department's *Body Worn Camera System* program.

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## APPENDIX C

MCPD BODY WORN CAMERA SYSTEM FEEDBACK SUMMARY			
QUESTION	MIDPOINT (%)	FINAL (%)	VARIANCE (+/-)
<b>Equipment was easy to use</b>			
Agree	88.1	95.0	<b>6.9</b>
Disagree	11.9	5.0	
<b>Equipment was comfortable to wear</b>			
Agree	54.2	85.0	<b>30.8</b>
Disagree	45.8	15.0	
<b>Equipment was reliable</b>			
Agree	96.2	92.5	<b>3.7</b>
Disagree	3.8	7.5	
<b>Equipment was durable</b>			
Agree	89.8	97.5	<b>7.7</b>
Disagree	10.2	2.5	
<b>Equipment remained secure</b>			
Agree	71.1	92.5	<b>21.4</b>
Disagree	28.8	7.7	
<b>Camera view remained properly focused</b>			
Agree	57.6	80.0	<b>22.4</b>
Disagree	42.4	20.0	
<b>Camera remained charged and operational</b>			
Agree	89.9	85.0	<b>4.9</b>
Disagree	10.1	15.0	
<b>Process for tagging videos was easy</b>			
Agree	79.6	77.5	<b>2.1</b>
Disagree	20.4	22.5	
<b>Process for downloading recorded videos was easy</b>			
Agree	96.7	95.0	<b>1.7</b>
Disagree	3.3	5.0	

## APPENDIX C

### MCPD BODY WORN CAMERA SYSTEM FEEDBACK SUMMARY

QUESTION	MIDPOINT (%)	FINAL (%)	VARIANCE (+/-)
<b>Locating and retrieving recorded videos was easy</b>			
Agree	89.8	87.5	2.3
Disagree	10.2	12.5	
<b>Image quality was good</b>			
Agree	94.9	100.0	5.1
Disagree	5.1	0.0	
<b>Audio quality was good</b>			
Agree	83.0	100.0	17.0
Disagree	17.0	0.0	
<b>Camera field of view was adequate</b>			
Agree	88.1	90.0	1.9
Disagree	11.9	10.0	
<b>Ability to review recordings in the field is beneficial</b>			
Agree	98.3	100.0	1.7
Disagree	1.7	0.0	
<b>Reports completed by offices are more accurate</b>			
Agree	90.7	72.9	17.8
Disagree	9.3	27.1	
<b>Quality of evidence collected and submitted was improved</b>			
Agree	94.4	81.6	12.8
Disagree	5.6	18.4	
<b>Quantity of evidence collected and submitted was improved</b>			
Agree	86.8	71.1	15.7
Disagree	13.2	28.9	

## APPENDIX C

### MCPD BODY WORN CAMERA SYSTEM FEEDBACK SUMMARY

QUESTION	MIDPOINT (%)	FINAL (%)	VARIANCE (+/-)
<b>Ability to review recordings to self-critique is valuable</b>			
Agree	100.0	95.0	<b>5.0</b>
Disagree	0	5.0	
<b>Case closures increased</b>			
Agree	83.3	47.4	<b>-35.9</b>
Disagree	16.7	21.1	<b>+4.4</b>
Not Observed	N/A	31.6	<b>-----</b>
<b>Officers will spend less time in court</b>			
Agree	60.0	88.8	<b>28.6</b>
Disagree	40.0	11.4	
<b>Officers will spend more time preparing for court</b>			
Agree	86.7	91.5	<b>4.8</b>
Disagree	13.3	8.5	
<b>Citizens tend to behave differently</b>			
Agree	88.9	86.8	<b>2.1</b>
Disagree	11.1	13.2	
<b>Citizens tend to be more cooperative</b>			
Agree	88.5	89.5	<b>1.0</b>
Disagree	11.5	10.5	
<b>Citizens tend to be more respectful</b>			
Agree	86.6	70.3	<b>-16.3</b>
Disagree	13.4	18.9	<b>+5.5</b>
Not Observed	N/A	10.8	<b>-----</b>
<b>Citizens requested officers to turn camera off before providing information</b>			
Agree	5.7	2.6	<b>-3.1</b>
Disagree	94.3	82.0	<b>-12.3</b>
Not Observed	N/A	15.4	<b>-----</b>

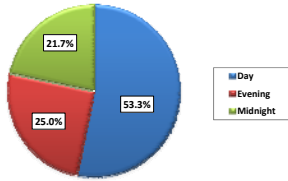
## APPENDIX C

### MCPD BODY WORN CAMERA SYSTEM FEEDBACK SUMMARY

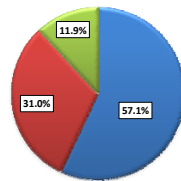
QUESTION	MIDPOINT (%)	FINAL (%)	VARIANCE (+/-)
<b>Suspects were less likely to resist</b>			
Agree	63.4	39.5	-23.9
Disagree	36.6	42.1	+5.5
Not Observed	N/A	18.4	+18.4
<b>Officers tended to act more professional</b>			
Agree	83.0	84.2	+1.2
Disagree	17.0	5.3	-11.7
Not Observed	N/A	10.5	-----
<b>Use of body cameras was well received by co-workers</b>			
Agree	32.2	32.5	0.3
Disagree	67.8	67.5	
<b>Use of body cameras was well received by community members</b>			
Agree	94.6	95.0	0.4
Disagree	5.4	5.0	
<b>Program support for the pilot program was adequate</b>			
Agree	96.4	100.0	3.6
Disagree	3.6	0.0	
<b>Training provided for the pilot program was adequate</b>			
Agree	94.6	100.0	5.4
Disagree	5.4	0.0	
<b>Use of BWCS eliminates the need for MVS</b>			
Agree	29.1	23.7	5.4
Disagree	70.9	76.3	
<b>Preference for Body Worn Camera Model Used</b>			
Axon Body	70.0	90.0	20
Axon Flex	30.0	10.0	

## APPENDIX D

### SHIFT ASSIGNMENT

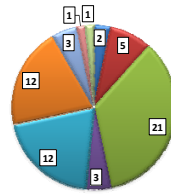


MID POINT FEEDBACK

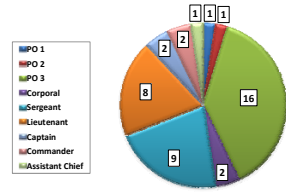


FINAL FEEDBACK

### RANK

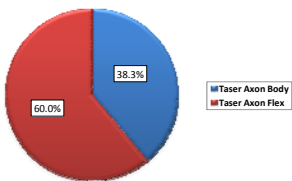


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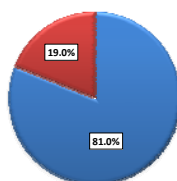


FINAL FEEDBACK

### CAMERA MODEL USED

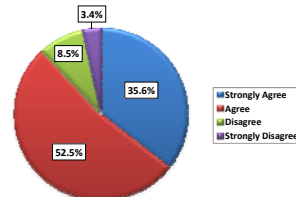


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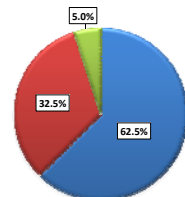


FINAL FEEDBACK

### EQUIPMENT WAS EASY TO USE

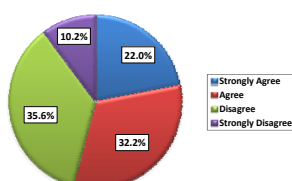


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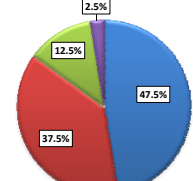


FINAL FEEDBACK

### EQUIPMENT WAS COMFORTABLE TO WEAR

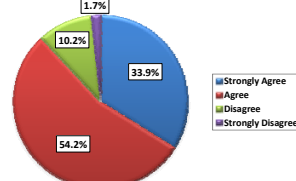


MID POINT FEEDBACK

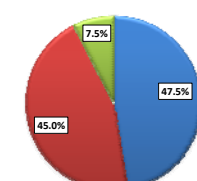


FINAL FEEDBACK

### EQUIPMENT WAS RELIABLE



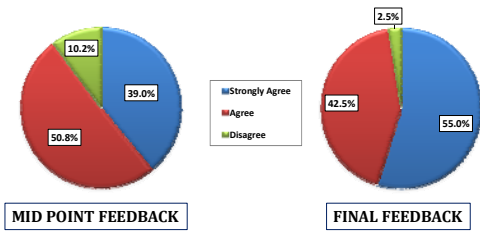
MID POINT FEEDBACK



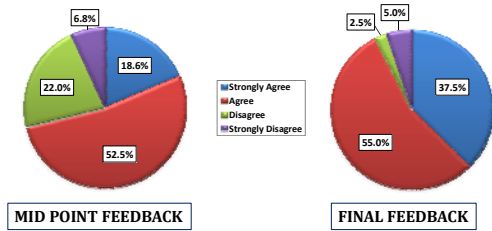
FINAL FEEDBACK



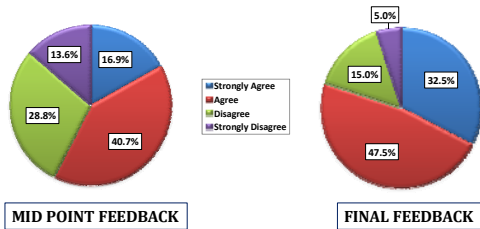
### EQUIPMENT WAS DURABLE



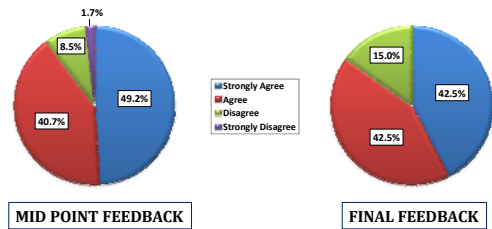
### EQUIPMENT REMAINED SECURE DURING DAILY USE



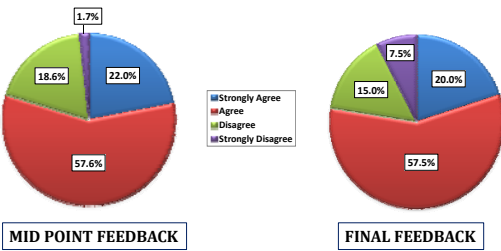
### CAMERA VIEW REMAINED PROPERLY FOCUSED DURING DAILY USE



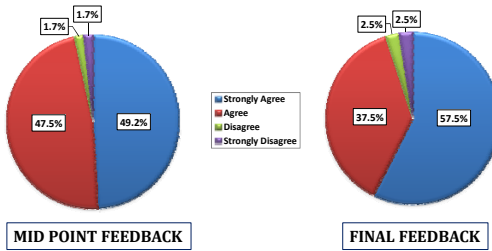
### CAMERA REMAINED CHARGED AND OPERATIONAL FOR ENTIRE SHIFT



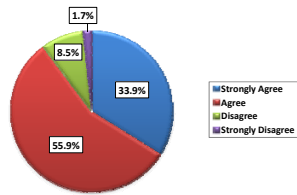
### PROCESS FOR TAGGING VIDEOS WAS EASY



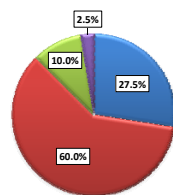
### DOWNLOADING RECORDED VIDEOS WAS EASY



#### LOCATING AND RETRIEVING RECORDED VIDEOS WAS EASY

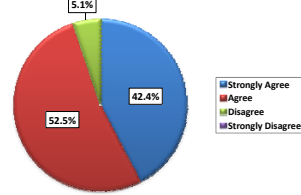


MID POINT FEEDBACK

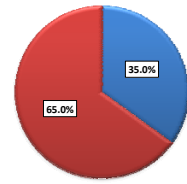


FINAL FEEDBACK

#### IMAGE QUALITY WAS GOOD

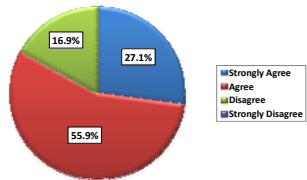


MID POINT FEEDBACK

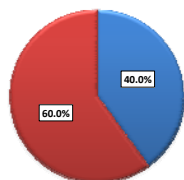


FINAL FEEDBACK

#### AUDIO QUALITY WAS GOOD

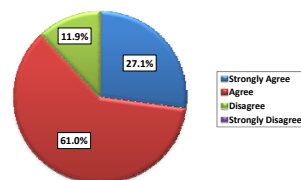


MID POINT FEEDBACK

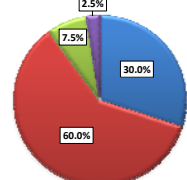


FINAL FEEDBACK

#### CAMERA FIELD OF VIEW WAS ADEQUATE

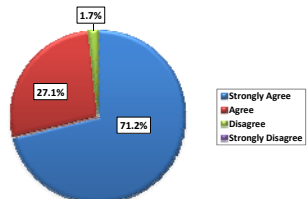


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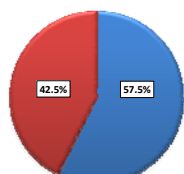


FINAL FEEDBACK

#### ABILITY TO REVIEW RECORDINGS IN THE FIELD IS BENEFICIAL

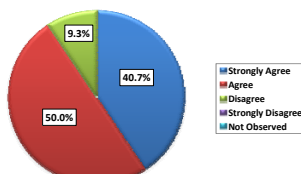


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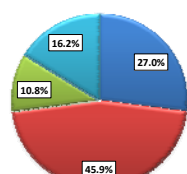


FINAL FEEDBACK

#### REPORTS COMPLETED BY OFFICERS ARE MORE ACCURATE

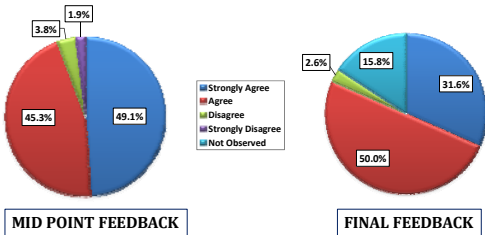


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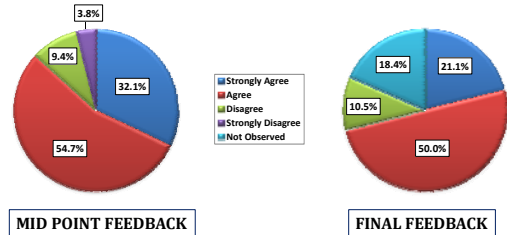


FINAL FEEDBACK

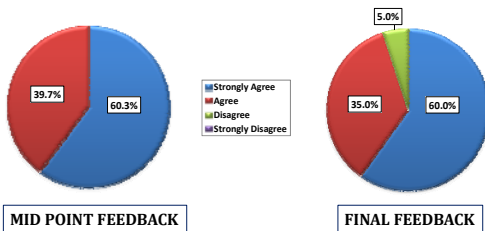
#### QUALITY OF EVIDENCE COLLECTED AND SUBMITTED WAS IMPROVED



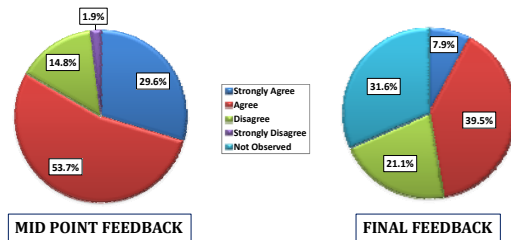
#### QUANTITY OF EVIDENCE COLLECTED AND SUBMITTED WAS IMPROVED



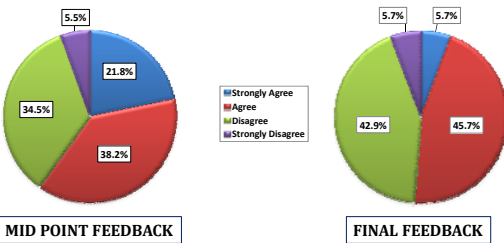
#### ABILITY TO REVIEW RECORDINGS TO SELF CRITIQUE IS VALUABLE



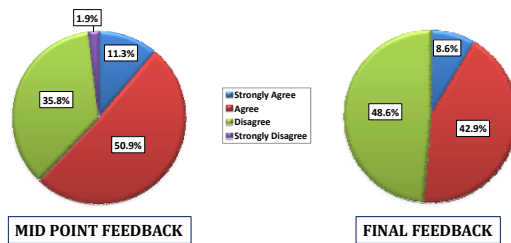
#### CASE CLOSURES INCREASED



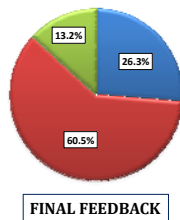
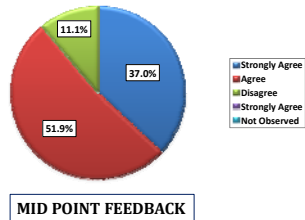
#### OFFICERS WILL SPEND LESS TIME IN COURT



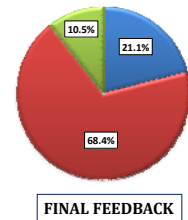
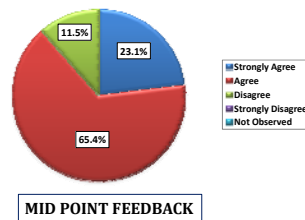
#### OFFICERS WILL SPEND MORE TIME PREPARING FOR COURT



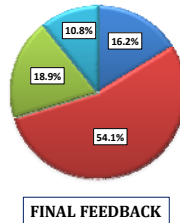
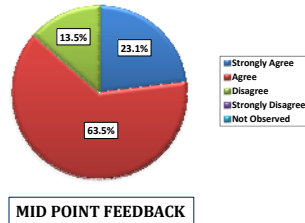
### CITIZENS TEND TO BEHAVE DIFFERENTLY



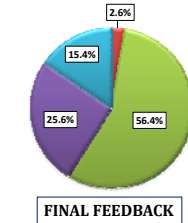
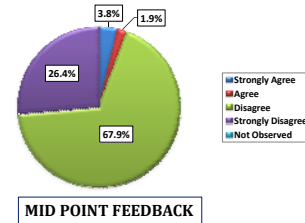
### CITIZENS TEND TO BE MORE COOPERATIVE



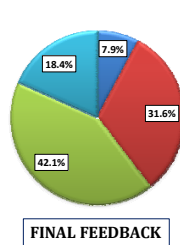
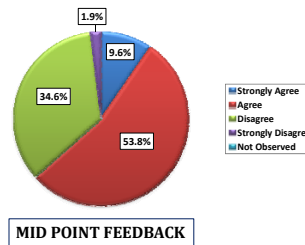
### CITIZENS TEND TO BE MORE RESPECTFUL



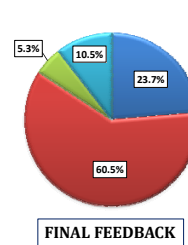
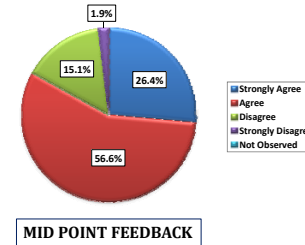
### CITIZENS REQUESTED OFFICERS TO TURN CAMERA OFF BEFORE PROVIDING INFORMATION



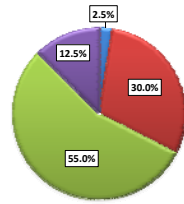
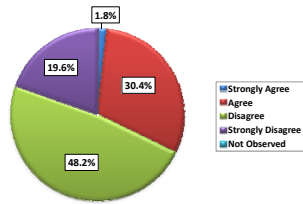
### SUSPECTS WERE LESS LIKELY TO RESIST



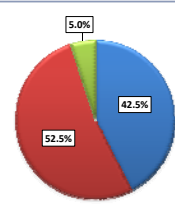
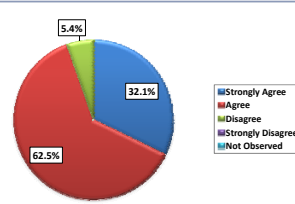
### OFFICERS TENDED TO ACT MORE PROFESSIONAL



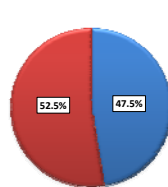
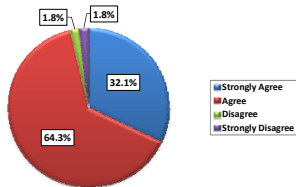
#### USE OF BODY CAMERAS WAS WELL RECEIVED BY COWORKERS



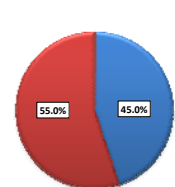
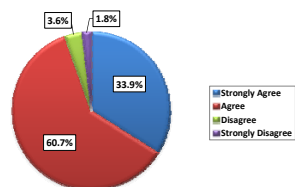
#### USE OF BODY CAMERAS WAS WELL RECEIVED BY COMMUNITY MEMBERS



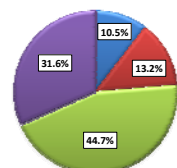
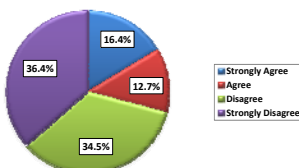
#### PROGRAM SUPPORT FOR THE PILOT PROGRAM WAS ADEQUATE



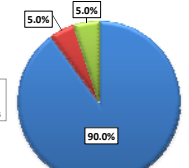
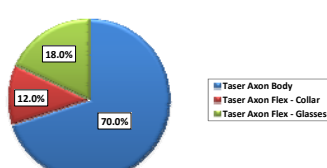
#### TRAINING PROVIDED FOR THE PILOT PROGRAM WAS ADEQUATE



#### USE OF BWCS ELIMINATES THE NEED FOR MVS EQUIPMENT



#### PREFERENCE OF BODY WORN CAMERA MODEL USED



## Appendix E

# Article 72- Body Worn Camera System

Section A. A Body-worn Camera means a device worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications. This article applies to any Body Worn Camera System (BWCS). All recordings and recording devices will be used for official business only. Use of the BWCS will comply with all applicable laws and this agreement. Neither this agreement nor any use of BWCS shall be construed as a waiver of any constitutional, statutory, civil, or other legal right by any unit member.

Section B. The provisions of Article 64 apply to use of BWCS.

Section C. Location of BWCS. The BWCS will be worn in a manner consistent with department training (industry standards will be considered).

Section D. Use of Recordings.

1. The County will not use BWCS recordings in a discriminatory, arbitrary, or capricious manner.
2. BWCS recordings shall not be routinely reviewed for the express purpose of discovering acts of misconduct or instances of poor performance without cause. An employee's supervisor may use BWCS recordings to address performance when cause exists. Any recording used must be reviewed with the subject employee prior to any documentation of performance. Any documented review will be included in the employee's supervisory file. The employee shall have the opportunity to respond in writing to the document. The response shall be attached to the supervisor's document. The employee and the employee's representative shall be provided access to the referenced recording if requested. Performance evaluation shall not be the sole reason for the County retaining a recording beyond the agreed upon term.
3. Employees will be provided written notice from their immediate supervisor, or designee, of the County's intent to use BWCS recordings for the purpose of performance evaluations which result in a below average rating in one or more categories. This notice will be given at least four months prior to the end of rating period. Any recording supporting below average performance being referenced within the last four months of a rating period may also be used if the employee received written notice at least 30 days before the conclusion of a rating period. If a recording is referenced from the last 30 days of the rating period, the rating will serve as written notice. Any portion of a recording used by the County for the purpose of documenting below average performance in a performance evaluation will be reviewed with the subject employee and documented as a counseling session in accordance with Article 51, Section D, of the CBA.
4. Employees will be given written notice of the County's intent to rely upon BWCS as a basis of discipline for employees. This notice will be given when an employee is served with their internal investigation notice (MCP 242). The employee will be afforded the opportunity to review BWCS recordings related to the incident being investigated administratively with their selected representative at least five days prior to being interrogated.
5. Employees will be given written notice of the Department's intent to utilize BWCS recordings for training purposes. This notice and opportunity to review the recording will be provided to the employee at least ten working days before the recording is used in the training venue.

An employee captured in the video or audio may object to the use of the recording, in writing, to the Director of the Public Safety Academy (or designee) within five working days of receiving the notice of intent to use the recording for training as to any reason(s) why the he or she does not wish the recording be used.

The Director of the Public Safety Training Academy (or designee) will consider any reason submitted by the employee before proceeding with use. The decision shall be based upon a determination as to whether the training value outweighs the member's objection.

6. Employees shall not record non-work related personal activity.

#### Section E. Release of Video

1. Release of BWCS video in absence of a specific request: The County will provide written notice to the FOP prior to the release of any BWCS recording to the public. In the event of an emergency or a bona fide public safety need the County may provide written notice after the release. This does not include release of recordings in connection with litigation. In events where there is no exigency, an employee captured in the recording may object to the use of the recording, in writing, to the Chief of Police (or designee) within two calendar days of receiving the notice of intent to release the recording as to any reason(s) why he or she does not wish the recording to be released. The Chief of Police (or designee) will consider any reason submitted by the employee before proceeding with the release.
2. The release of recordings of an employee's death or injury shall not occur absent compelling law enforcement related reasons to release the recording or in situations where the release of those recordings is required by law.
3. The County shall ensure that all external requests for copies of recordings, including subpoenas and summonses, will be reviewed for compliance with applicable standards, including those imposed by law or by provisions of this Agreement. The County will maintain a log of all MPIA requests for BWCS recording that it receives. The County will make this log, the underlying MPIA request, and the requested recording, available to the FOP for inspection. If the FOP objects to the release of any portion of the recording, it must promptly notify the County of its objection(s) and its intent to file a "reverse MPIA" action if the County decides to release the requested recording. The County will promptly notify the FOP of any decision to release the requested recording and the date and time of that release, unless the FOP first serves the County with a reverse MPIA action it has filed in a court of competent jurisdiction. The parties will make all reasonable efforts to provide each other with expeditious notice under this section given the relatively short time limits in the MPIA and its overall policy of providing the public with prompt access to public records without unnecessary delay.

#### Section F. Retention of Data

1. All BWCS recordings will be destroyed after 210 days, unless the Department deems it necessary to retain the recording for a longer period of time.

2. An employee may elect to save BWCS recordings for longer than 210 days if the recording was used to support a performance evaluation which resulted in single category being rated as below requirements
3. If an employee activates a BWCS generating a recording of a prohibited use or that is not a law enforcement related encounter in activity, the employee shall notify his or her supervisor promptly. Recordings deemed by the County to be recorded inadvertently and which are of no legitimate purpose to the County, shall be destroyed expeditiously.

#### Section G. Access to Recordings

1. A recording made by an employee may be reviewed by the recording employee for any work related reason, including but not limited:
  - a. to ensure the BWCS system is working properly.
  - b. to assist with the writing of a report or other official document.
  - c. to review/critique his or her own performance.
  - d. to review/prepare for court.
  - e. to respond to a civil suit, criminal investigation (if the employee is the subject of the investigation), citizen or administrative complaint; the employee shall have the ability to review their BWCS recording of the subject incident prior to making a statement.
2. Employees are not allowed to view another employee's recordings except for a work-related reason which is authorized by their supervisor.
3. An employee or the FOP shall have access to a BWCS recording that is directly related to any administrative investigation, or civil suit (where the employee is a named defendant).
4. When a recorded incident or recording of an incident is used to question an employee during a formal internal investigation, access to all BWCS recordings related to the incident shall be provided to the employee at least five working days in advance of such questioning.
5. Management shall have access to recordings for any legitimate matter.
6. A log will be kept to record access to all recordings. The log will include the:
  - a. name of employee accessing the recording;
  - b. reason for access with reasonable clarity ;
  - c. date recording was accessed, and
  - d. the length of time it was viewed.
7. The employee recorded must be given timely and ongoing access to the log.

#### Section F. General Use

1. The County shall provide work time for employees to perform a function test of the BWCS in accordance with the manufacturer's recommendations and department policy.



2. Employees discovering a BWCS malfunction shall promptly report the malfunction to a supervisor.
3. If employees are unable to begin recording with the BWCS due to circumstances making it unsafe, impossible, or impractical to do so, employees shall begin recording with the BWCS at the first reasonable opportunity to do so.

.....

\*\*\*\*\*

IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed hereto by their duly authorized officers and representatives this 29<sup>th</sup> day of March 2016.

FRATERNAL ORDER OF POLICE,  
MONTGOMERY COUNTY LODGE 35

MONTGOMERY COUNTY, MARYLAND

By: [Signature] 3/29/16  
Torrie Cooke  
President

[Signature] 3/29/16  
Matt Frasca  
Chief Negotiator

By: [Signature] 3/31/16  
Isiah Leggett  
County Executive

[Signature] 3/30/16  
J. Thomas Manger  
Chief of Police

[Signature]  
Approved for form and legality  
County Attorney  
Heather A. Mulloy



# BODY WORN CAMERA SYSTEM

**FC No.: 430**

**Date: 04-20-16**

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## **Contents:**

- I. Policy
- II. Definitions
- III. Legal Consideration
- IV. Implementation
- V. General Operational Procedures
- VI. Activation of the Body Worn Camera System
- VII. Prohibited Use
- VIII. Reporting/Documentation
- IX. Internal Access, *Review*, and Use of Recordings
- X. Retention of Data
- XI. Records Requests and Release of Recordings***
- XII. CALEA Standards
- XIII. Proponent Unit
- XIV. Cancellation***

## **I. Policy**

- A. It is the policy of this department to utilize the Body-Worn Camera System (BWCS) for the purpose of documenting evidence and accurately recording, through video and audio, interactions that occur between officers and members of the public. All BWCS equipment and recordings are the property of the Montgomery County Police Department.
- B. The Montgomery County Police Department (MCPD) is a designee for the County on matters regarding BWCS for police officers working for Montgomery County government.***
- C. Article 72 of the Fraternal Order of Police Collective Bargaining Agreement (FOP CBA) and this policy govern the use of BWCS by Fraternal Order of Police (FOP) bargaining unit members.***

## **II. Definitions**

- A. Body-Worn Camera System (BWCS) – a camera system worn on the person of a uniformed law enforcement officer, or an officer prominently displaying the officer's badge or other insignia, that is capable of recording video and intercepting oral communications.

- B. Officer – All sworn Montgomery County police officers.**
- C. Employee – All employees of the Montgomery County Police Department (both sworn and non-sworn).**
- D. FOP bargaining unit member – A sworn Montgomery County police officer up to and including the rank of Sergeant (including Police Officer Candidates).**

### **III. Legal Consideration**

- A. Pursuant to the “State Wiretap Act” under Sections 10-401, et seq. of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, it is unlawful for any person to willfully intercept, endeavor to intercept, disclose, endeavor to disclose, use, or endeavor to use any oral communications. “Oral communication” is defined as any conversation or words spoken to or by any person in private conversation.
- B. The State Wiretap Act makes it lawful for a law enforcement officer, in the course of the officer’s regular duty, to intercept an oral communication with a body-worn digital recording device capable of recording video and oral communication if:
  1. The law enforcement officer is in uniform or prominently displaying the officer’s badge or other insignia;
  2. ***The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3-511 of the Public Safety Article for the use of body worn digital recording devices;***
  3. The law enforcement officer is a party to the oral communication;
  4. The law enforcement officer notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
  5. The oral interception is being made as part of a videotape or digital recording.
- C. The State Wiretap Act also makes it lawful for a law enforcement officer to intercept an oral communication where the officer is party to the communication and where all parties to the communication have given prior consent to the recording.

### **IV. Implementation**

- A. The BWCS program will be instituted for designated uniformed officers for patrol and patrol related functions. The BWCS will accurately document events, actions, conditions and statements made during law enforcement related encounters and activities as authorized under this program.
- B. The Department will *provide* training to officers *prior* to use of the BWCS. *Training will include, but will not be limited to, operation of the BWCS and a review of policy, as well as alternative methods for effective notification of recording to persons with special needs or limited English proficiency.***
- C. Participating officers will use the BWCS in accordance with their training, ***the FOP CBA (applicable to FOP bargaining unit members)***, and this policy. ***Violations of this policy may result in discipline.***

### **V. General Operational Procedures**

- A. Only officers trained in the proper use of the BWCS will use the system.

- B. ***All BWCS recordings and recording devices will be used for official business only. Use of the BWCS will comply with all applicable laws, the FOP CBA (applicable to FOP bargaining unit members), and this policy.***
- C. Prior to going into service at the beginning of each shift, officers will perform ***a function test*** of the BWCS in accord with their training ***and manufacturers recommendations*** to ensure that the BWCS is operating properly. Officers discovering a BWCS malfunction shall promptly report the malfunction to a supervisor.
- D. ***The BWCS will be worn in a manner consistent with Department training.***
- E. Officers are only authorized to use a BWCS while in uniform or prominently displaying the officers badge or other insignia.
- F. Officers may, but will not be required to, use the BWCS while off duty. Any off duty use must be for law enforcement related encounters and activities as authorized under this policy.
- G. Officers are authorized to use a BWCS during secondary employment ***in situations where the off-duty use is for law enforcement related encounters and activities as authorized under this policy.***
- H. Officers will only wear a department issued BWCS.

## **VI. Activation of the Body Worn Camera System**

- A. Officers shall only activate the BWCS for legitimate law enforcement purposes.
- B. ***Except as otherwise exempted by law***, officers will notify individuals that they are being recorded as soon as practicable, unless it is unsafe, impractical, or impossible to do so.
  - 1. ***This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.***
  - 2. ***Examples of potential notification language include:***
    - a. ***“You are being audibly and visually recorded”; or***
    - b. ***“Our interaction is being recorded by my body camera”.***
- C. The BWCS must be activated during all law enforcement related encounters and activities such as, but not limited to, the following examples;
  - 1. ***At the initiation of a call for service or other activity that is investigative or enforcement in nature.***
  - 2. All enforcement and investigation related citizen contacts.
  - 3. Documentation of evidence that can be used in the prosecution of criminal and traffic offenses.
  - 4. Arrests and transports.
  - 5. Traffic stops.
  - 6. Priority responses.
  - 7. Vehicle and foot pursuits.
  - 8. Suspicious situations.
  - 9. All searches (persons, vehicles, structures, effects), except strip searches.
  - 10. Interviews and interrogations.
  - 11. Mental health interventions.
  - 12. Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
- D. Once the BWCS has been activated, officers will continue to record until:

1. The officer has left the scene and anticipates no further involvement in the event;
2. A supervisor has authorized that a recording may cease;
3. ***The officer is no longer engaged in a related investigative or enforcement activity; or***
4. The event has concluded. An event will be deemed “concluded” when:
  - a. all arrests have been made and arrestees have been transported and released from custody;
  - b. all witnesses and victims have been interviewed;
  - c. the continued recording will not serve to obtain additional evidence; and
  - d. no further law enforcement action is likely to occur.

E. Whenever the BWCS equipment is deactivated, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.

F. There may be instances in which officers are ***unable to activate their BWCS due to circumstances making it unsafe, impossible, or impractical to do so. In these exigent circumstances, officers shall begin recording with the BWCS at the first reasonable opportunity to do so*** and document the reason for the delayed start in the incident report and/or as part of the recording.

G. In situations when community members, witnesses, crime victims or other parties wish to share information related to criminal activity, but refuse to do so while being recorded, officers will have the discretion to turn off the BWCS during the interview. The preference is to record such statements; however, it is recognized that such persons may be hesitant to provide information while being recorded due to a fear of retaliation, privacy concerns or a feeling that the information is sensitive. In these situations, officers may decide that obtaining the information is more important than recording the conversation. In such situation, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.

H. The BWCS may be deactivated during conversations with officers or supervisors during information sharing sessions or discussing tactics and strategy.

I. Officers are required to obtain consent prior to recording an interview with a victim of a sex offense. Consent in these cases must be documented/recorded on camera.

## **VII. Prohibited Use**

A. A BWCS will not be used to create recordings in locker rooms, dressing rooms, and restrooms unless part of a criminal investigation.

B. A BWCS will not be used to create recordings of strip searches.

C. A BWCS ***shall not be used*** to record ***employees*** during ***routine*** administrative activities.

D. Officers will not intentionally record undercover officers or confidential informants without their consent.

E. ***Officers shall not record non-work related personal activity.***

## **VIII. Reporting/Documentation**

A. Whenever a BWCS recording is made of an event that results in a police report, the reporting officer must note in the report that the recording exists, if known.

- B. All BWCS recordings must be **upload**ed by the officer at the end of his or her assigned shift, unless an exception is authorized by a supervisor. The officer will be responsible for properly categorizing and tagging the recording at the time of the **upload**.
- C. In a critical incident (such as an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death), a supervisor may immediately take custody of the BWCS and, in such case, will be responsible for the **upload**.

**IX. Internal Access, Review, and Use of Recordings**

- A. *A BWCS recording may be reviewed by the recording officer for any work related reason, including but not limited to:*
  - 1. *To ensure the BWCS system is working properly.*
  - 2. *To assist with the writing of a report or other official document.*
  - 3. *To review/critique his or her own performance.*
  - 4. *To review/prepare for court.*
  - 5. *To respond to a civil suit, criminal investigation (if the officer is the subject of the investigation), citizen complaint, or administrative complaint. The officer shall have the ability to review their BWCS recording of the subject incident prior to making a statement.*
- B. *Recordings may also be reviewed:*
  - 1. By a supervisor.
  - 2. *By management for any legitimate matter, including, but not limited to:*
    - a. *to review evidence.*
    - b. *to participate in an official investigation such as a personnel complaint, administrative inquiry, or a criminal or civil investigation.*
    - c. *to assess training value.*
- C. *Officers are not allowed to view another officer's recording(s) except for a work-related reason which is authorized by a supervisor.*
- D. *An officer or FOP representative shall have access to a BWCS recording that is directly related to any administrative investigation or civil suit where the officer is named as a defendant.*
- E. *When a recorded incident or recording of an incident is used to question an officer during a formal internal investigation, access to all BWCS recordings related to the incident shall be provided to the officer at least five working days in advance of questioning.*
- F. *A supervisor shall review the BWCS recording of an incident when:*
  - 1. *An officer is involved in a reportable use of force incident.*
  - 2. *An officer is injured during the performance of his or her duty.*
- G. *BWCS recordings shall not be routinely reviewed for the express purpose of discovering acts of misconduct or instances of poor performance without cause. An officer's supervisor may use BWCS recordings to address performance when cause exists. Any recording used must be reviewed with the subject officer prior to any documentation of performance. Any documented review will be included in the officer's supervisory file. The officer shall have the opportunity to respond in writing to the document. The response shall be attached to the supervisor's document. The officer and the officer's representative shall be provided access to the referenced recording if requested.*

- H.** *Officers will be provided written notice from their immediate supervisor, or designee, of the intent to use a BWCS recording(s) for the purpose of performance evaluations which result in a below average rating in one or more categories.*
- 1. This notice will be provided at least four months prior to the end of the rating period.*
  - 2. Any recording, supporting a below average rating, being referenced within the last four months of the rating period may also be used if the officer received written notice at least 30 days before the conclusion of the rating period.*
  - 3. If a recording, supporting a below average rating, is referenced from the last 30 days of the rating period, the performance evaluation will serve as the written notice.*
  - 4. Any portion of a recording used for the purpose of documenting below average performance in a performance evaluation will be reviewed with the subject officer and documented in a counseling session in accordance with Article 51, Section D, of the CBA.*
- I.** *BWCS recordings may be used as a basis for discipline. Officers will be provided written notice of the department's intent to rely upon a BWCS recording(s) as a basis of discipline. This notice will be provided at the time the officer is served with the MCP 242 (Internal Investigation Notification Memorandum).*
- 1. The officer will be afforded the opportunity to review the BWCS recording(s) related to the incident being investigated administratively with their selected representative at least five days prior to being interrogated.*
- J.** *Officers will be provided written notice of the intent to utilize BWCS recordings for training purposes. The notice and opportunity to review the recording, will be provided at least ten working days before the recording is used in the training venue.*
- 1. An officer captured in the recording (audio or video) may object to the use of the recording, in writing, to the Director of the Public Safety Training Academy (or designee) within five working days of receiving notice of intent to use the video for training as to why he or she does not wish the recording to be used. The Director of the Public Safety Training Academy (or designee) will consider any reason(s) submitted by the officer before proceeding with use. The decision shall be based upon a determination as to whether the training value outweighs the officer's objection.*
- K.** *A log will be kept to record access to all recordings and officers shall have timely and ongoing access to the log. The log will include the:*
- 1. Name of the employee accessing the recording;*
  - 2. Reason for access with reasonable clarity;*
  - 3. Date recording was accessed;*
  - 4. Length of time it was reviewed, and*
  - 5. Any copying or editing.*
- L.** *A BWCS 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.*
- M.** *The stored video and audio data from a BWCS recording may not:*
- 1. Be used to create a database or pool of mug shots;*
  - 2. Be used as fillers in photo arrays; or*
  - 3. Be searched using facial or voice recognition software.*
    - a. This does not prohibit the use of recognition software to analyze the recording of a particular incident when a sworn supervisor has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording.*

N. Employees shall not access, obtain, attempt to obtain, or copy/convert for their personal use any recording produced by a BWCS. Employees shall not upload BWCS recordings to public and/or social media websites.

Ø. *Except as authorized by policy*, employees shall not attempt to *copy*, delete, alter, *release*, reuse, modify or tamper with BWCS recordings in any manner. *Employees are prohibited from making a copy of a BWCS audio/video recording by using another recording device, such as a cell phone.*

#### X. Retention of Data

A. All original BWCS recordings are the property of the Montgomery County Police Department and shall be *securely stored and* retained according to the department's retention schedule and consistent with state law and existing evidence protocols, unless a specific request is made to store them for a longer period of time by a person authorized by the Department.

B. BWCS recordings that can be used in an investigation or captures a confrontational encounter between an officer and a member of the public will be deemed "evidentiary" and categorized and tagged according to the type of incident. Recordings that do not contain evidence or capture routine, non-confrontational encounters will be deemed "non-evidentiary".

B. *Non-evidentiary* recordings will be destroyed after **210** days, unless the department deems it necessary to retain the recording for a longer period of time.

1. A recording will be retained *longer than 210 days* if an officer or the officer's representative provides notice to the Department within **210** days of the date of the recording of its potential use in an administrative hearing.
2. *Performance evaluation shall not be the sole reason for the Department retaining a recording beyond the agreed upon term.*
3. *An officer may elect to save BWCS recordings for longer than 210 days if the recording was used to support a performance evaluation which resulted in a single category being rated as below requirements.*

D. *If an officer activates a BWCS generating a recording of a prohibited use or that is not a law enforcement related encounter or activity, the officer shall notify his or her supervisor promptly. Recordings deemed by the department to be recorded inadvertently and which are of no legitimate purpose to the department, shall be destroyed expeditiously.*

#### XI. Records Requests and Release of Recordings

A. The public release of BWCS recordings will be conducted in accordance with applicable public records laws.

B. *(This section applies to FOP bargaining unit members only)*  
*The Department shall ensure that all external requests for copies of recordings, including subpoenas and summonses, will be reviewed for compliance with applicable standards, including those imposed by law, provisions of this policy, and the FOP CBA (applicable to FOP bargaining unit members). The Department will maintain a log of all MPIA requests for BWCS recordings that it receives. The log, the underlying MPIA request, and the requested recording will be made available to the FOP for inspection.*



*If the FOP objects to the release of any portion of the recording, it must promptly notify the department of its objection(s) and its intent to file a “reverse MPIO” action if the Department decides to release the requested recording. The Department will promptly notify the FOP of any decision to release the requested recording and the date and time of that release, unless the FOP first serves the department with a “reverse MPIO” action it has filed in a court of competent jurisdiction. The Department and the FOP will make all reasonable efforts to provide each other with expeditious notice under this section given the relatively short time limits in the MPIO and its overall policy of providing the public with prompt access to public records without unnecessary delay.*

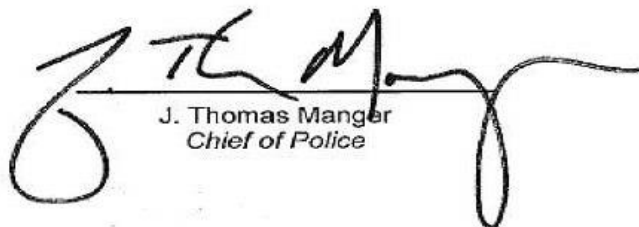
- C. *(This section applies to FOP bargaining unit member only) Release of BWCS recordings in absence of a specific request.*
1. *The Department will provide written notice to the FOP prior to the release of any BWCS recording to the public, except in the event of an emergency or bona fide public safety need the Department may be unable to provide written notice until after the release. This does not include release of recordings in connection with litigation.*
  2. *In events where there is no exigency, an officer captured in the video or audio recording may object to the release of the recording, in writing, to the Chief of Police (or designee) within two calendar days of receiving notice of intent to release the recording as to any reason(s) why he or she does not wish the recording to be released. The Chief of Police (or designee) will consider any reason submitted by the officer before proceeding with release.*
- D. *The release of recordings of an officer’s death or injury shall not occur absent compelling law enforcement related reasons to release the recording or in situations where the release of these recordings is required by law.*
- E. Recordings will not be disseminated by the employee without receiving written permission under the authority of the Chief of Police.

**XII. CALEA Standards:** 41.3.8

**XIII.** Proponent Unit: IMTD

**XIV. Cancellation:**

*This directive cancels Function Code 430, effective date 06-08-15.*



J. Thomas Manger  
Chief of Police

## APPENDIX G

### ***Body-Worn Camera Policy***

These minimum standards have been adopted by the Maryland Police Training Commission (MPTC) in accord with 3-511 of the Public Safety Article which required the MPTC to develop and publish online a policy for the issuance and use of a body-worn camera (BWC) by a law enforcement officer.

In Summary:

1. Agencies must issue a written policy prior to implementing a BWC program, and it must meet or exceed the minimum standards in this document, and
2. Every law enforcement officer using a BWC must make a reasonable effort to comply with these standards.

<b><i>BWC Policy Minimum Standards</i></b>	<b>Statutory References</b>
<b>A. <u>TESTING</u>:</b> Prior to beginning each shift, the assigned agency member shall perform a function test of the BWC in accordance with the manufacturer's recommendations and agency policy.	PS §3–511: (1) the testing of body-worn cameras to ensure adequate functioning
<b>B. <u>MALFUNCTIONS</u>:</b> Upon discovering a BWC malfunction, agency members shall promptly report the malfunction to a supervisor or other appropriate authority in accordance with agency policy regarding malfunctions.	PS §3–511: (2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer's shift

<p><b>C. <u>MANDATORY ACTIVATION:</u></b> Subject to paragraph three of this recommendation below, officers shall begin recording with their BWCs in the below circumstances unless doing so would be unsafe, impossible, or impractical. If officers are unable to begin recording with the BWC due to circumstances making it unsafe, impossible, or impractical to do so, officers shall begin recording with the BWC at the first reasonable opportunity to do so.</p> <ol style="list-style-type: none"> <li>1. 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; and</li> <li>2. Any encounter that becomes confrontational after the initial contact.</li> </ol> <p>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.</p>	<p>PS §3–511: (3) when recording is mandatory</p>
<p><b>D. <u>PROHIBITED ACTIVATION:</u></b> A law enforcement officer shall not activate a camera to record:</p> <ol style="list-style-type: none"> <li>1. Agency personnel during routine administrative activities; or</li> <li>2. Non-work related personal activity.</li> </ol>	<p>PS §3–511: (4) when recording is prohibited</p> <p>PS §3–511: (16) specific protections for individuals when there is an expectation of privacy in private or public places</p>
<p><b>E. <u>ENDING A RECORDING:</u></b> Once recording with a BWC has been initiated, officers shall not end the recording until:</p> <ol style="list-style-type: none"> <li>1. The event or encounter has fully concluded; or</li> <li>2. The officer leaves the scene and anticipates no further involvement in the event; or</li> <li>3. 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,</li> <li>4. 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.</li> </ol>	<p>PS §3–511: (7) when a recording may be ended</p>

<p><b>F. <u>NOTIFICATION:</u></b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.</li> </ol>	<p>PS §3–511: (8) providing notice of recording</p> <p>PS §3–511: (15) notification requirements when another individual becomes a party to the communication following the initial notification</p> <p>PS §3–511: (6) when recording may require consent of a subject being recorded</p>
<p><b>G. <u>CONFIDENTIALITY:</u></b></p> <ol style="list-style-type: none"> <li>1. Leased or purchased BWC equipment and all recordings are the property of the law enforcement agency, and only BWC equipment approved by agency policy shall be worn.</li> <li>2. Except as authorized by agency policy, copying, releasing, altering, erasing or allowing unauthorized viewing of an agency video recording (or portion thereof) is prohibited and may subject an officer to disciplinary action.</li> </ol>	<p>PS §3–511: (9) access to and confidentiality of recordings</p>
<p><b>H. <u>REQUIRED STORAGE AND MAINTENANCE OF RECORDINGS:</u></b></p> <ol style="list-style-type: none"> <li>1. All files shall be securely saved and stored in accordance with agency policy.</li> <li>2. Each agency's written policy shall include standards and procedures that address: <ol style="list-style-type: none"> <li>a. security and access control, and</li> <li>b. creation of audit trails and access logs.</li> </ol> </li> <li>3. Each agency shall retain an unedited original version of stored body-worn camera footage, and should log anytime the footage is viewed, for what length of time and by whom, as well as any copying or editing.</li> </ol>	<p>PS §3–511: (10) the secure storage of data from a body-worn camera</p>

<p><b><u>I. REVIEW OF RECORDINGS:</u></b></p> <p>1. Agencies' written policies shall include when members may view BWC recordings. Reasons to view and use recordings may include, but not be limited to:</p> <ul style="list-style-type: none"> <li>a. Report writing or preparation of other official documents;</li> <li>b. Court preparation;</li> <li>c. Review of prosecution evidence;</li> <li>d. Victim/witness/suspect statements;</li> <li>e. Crime scenes;</li> <li>f. Statement of charges;</li> <li>g. Administrative investigations;</li> <li>h. Training;</li> <li>i. Performance review;</li> <li>j. Incident critique;</li> <li>k. Maryland Public Information Act (MPIA) requests;</li> <li>l. Policy compliance;</li> <li>m. Disclosures required by law.</li> </ul> <p>2. Additional considerations:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. The stored video and audio data from a body worn camera may not: <ul style="list-style-type: none"> <li>i. be used to create a database or pool of mug shots;</li> <li>ii. be used as fillers in photo arrays; or</li> <li>iii. be searched using facial or voice recognition software.</li> </ul> </li> <li>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.</li> </ul>	<p>PS § 3 – 511: (11) review and use of recordings</p>
<p><b><u>J. RETENTION OF RECORDS:</u></b> An agency's written policy shall include retention period(s) for BWC recordings.</p>	<p>PS § 3 – 511: (12) retention of recordings</p>
<p><b><u>K. DISSEMINATION AND RELEASE OF RECORDINGS:</u></b> BWC video/audio recordings from body cameras will be released as required by the MPIA or other governing law.</p>	<p>PS § 3 – 511: (13) dissemination and release of recordings</p>

<p><b>L. <u>TRAINING AND DISCIPLINE:</u></b></p> <p>1. Agencies shall ensure that officers are trained on agency policy and 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.</p> <p>2. Agencies written policies shall state that violations of the agency policy may result in discipline.</p>	<p>PS § 3 – 511: (14) consequences for violations of the agency’s body–worn camera policy</p>
<p><b>M. <u>DISCRETIONARY ACTIVATION:</u></b> 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.</p>	<p>PS § 3 – 511: (5) when recording is discretionary</p>
<p><b>N. <u>WRITTEN POLICY REQUIRED:</u></b> Each law enforcement agency shall develop and issue a written policy for using BWCs that is consistent with state law and policy issued by the Maryland Police Training Commission prior to implementing a BWC program.</p>	<p>PS § 3 – 511: (17) any additional issues determined to be relevant in the implementation and use of body– worn cameras by law enforcement officers</p>
<p><b>O. <u>INCIDENT REPORTS:</u></b> Incident reports should note any use of BWC.</p>	<p>PS § 3 – 511: (17) any additional issues determined to be relevant in the implementation and use of body– worn cameras by law enforcement officers</p>
<p><b>P. <u>AGENCY BWC POLICIES:</u></b> BWC policies of agencies shall be made available to the public.</p>	<p>PS § 3 – 511: (17) any additional issues determined to be relevant in the implementation and use of body– worn cameras by law enforcement officers</p>