



# Analysis for Implementation of a Body-Worn Camera Program



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## EXECUTIVE SUMMARY

As this report was in its final stages, two stories came up that highlighted the need and urgency of a body-worn camera (BWC) pilot program for the Prince George's County Police Department (PGPD). The first story involved what may very well be the first-ever case of a law enforcement officer in the United States facing criminal charges due to footage from that officer's own BWC.<sup>1</sup> The other story reported on dramatic decreases in complaints against the San Diego Police Department as well as in departmental use-of-force incidents after the launch of its own BWC program.<sup>2</sup>

It is highly likely we will continue to read and hear about stories like the ones mentioned above in the weeks, months, and years ahead. Stories like these also provide the justification as to why PGPD's BWC Committee even exists. The BWC Committee was given the responsibility of examining and analyzing the potential benefits and pitfalls of requiring PGPD's 1700 sworn officers to wear a BWC as part of their standard gear. In this report we will discuss those potential benefits and pitfalls.

The benefits of BWCs are tremendous. They keep the behavior of police officers in check and ensure law enforcement agencies keep their officers accountable for their actions. This has the overall effect of promoting community policing. However, BWCs also confer many benefits that have been hardly discussed. They make the jobs of police officers easier by dramatically reducing complaints and lawsuits against them, drastically cutting the amount of time they have to spend in court or on paperwork, and by assisting prosecutors in criminal cases. Most importantly, BWCs have the ability to keep police officers safe and alive.

But the potential concerns of BWCs are tremendous as well. There are legal concerns, policy-based concerns, logistical/implementation concerns, and cost concerns. Legal concerns include questions over invasion of privacy, public requests for footage, as well as when and how much video an officer must record. Policy-based concerns include questions over what effect BWCs could have on community relationships and police department morale. Logistical/implementation concerns involve questions over data storage, the types of BWCs to be used, and how to require PGPD's police officers to comply with recording requirements. As far as cost, the price tag for the BWCs (which range from hundreds to thousands of dollars per unit) is conceivably a lesser concern when data storage and other unforeseeable expenses related to the cameras are more likely to cause sticker shock. PGPD's Information Technology Division estimates the cost of the pilot program alone to run between \$200,000 and \$600,000.

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<sup>1</sup> Ritter, Ken, "Vegas police officer wearing body camera facing battery case", Associated Press, 17 March 2015; [http://news.yahoo.com/vegas-police-officer-wearing-body-camera-facing-battery-205644396.html?soc\\_src=mediacontentsharebuttons&soc\\_trk=ma](http://news.yahoo.com/vegas-police-officer-wearing-body-camera-facing-battery-205644396.html?soc_src=mediacontentsharebuttons&soc_trk=ma)

<sup>2</sup> Perry, Tony, "San Diego police body camera report: Fewer complaints, less use of force", Los Angeles Times, 18 March 2015; <http://touch.latimes.com/#section/-1/article/p2p-83088560/>

The BWC Committee's goal in this report is to present objective and fairly balanced information about BWCs to aid the decision-making process. The Committee is unanimous in its belief that a pilot program is absolutely necessary to measure, in real-time, the merits of the benefits and pitfalls of the BWCs as stated in this report and to discover others that could not be envisioned in this report. We suggest proceeding carefully and in a measured manner because the decision to use or not use them may eventually be one of the biggest decisions this Department will have ever made.

## **ACKNOWLEDGEMENTS**

The Office of Inspector General (OIG) thanks the members of BWC Committee for their invaluable time, hard work, dedication and insight in the research and planning which undergirds this project. Those individuals are:

- Cpl. Stephen Burd, Accreditation Manager (Acting), Accreditation Section
- Jamar Herry, Assistant County Attorney, Office of Law
- Maj. Jason Johnson, Commander, Internal Affairs Division
- Alan Lee, Chief Information Officer, Information Technology Division
- Maj. Samir Patel, Chief of Staff, Office of the Chief

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Carlos F. Acosta  
*Chair, Body-Worn Camera Committee*  
Inspector General  
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## INTRODUCTION

In light of recent incendiary events and policy developments within police departments around the country, Prince George's County Police Department (PGPD) should seriously consider the implementation of a BWC program. Such a BWC program could have benefits for both police officers and the public alike. The BWC program could decrease false complaints made against officers while also fostering a renewed sense of security and transparency with the community. Although there are many benefits to such a program, there are also a number of possible areas of concern. A few that have been raised include issues of privacy, the uncertain capacity and capability to preserve evidence and store data, and overwhelming financial costs. There are additionally questions of how police officers will react to being required to wear the extra equipment on a shift-to-shift basis. Other issues include how the BWCs would compromise officer safety, morale, or interfere with their current job requirements. This report will provide an analysis of some of these concerns, examine possible solutions, and discuss decisions other police departments have made to address them. Additionally, because BWC technology is ever-developing, there will be new issues and aspects of the discussion that will arise in the future and cannot be covered in this report.

To begin a discussion on BWCs, despite the current wave of popular sentiment in favor of them, the dearth of statistical data or studies on them is worrisome. There have been a few police departments within the United States that have tested BWCs even before the recent public clamor for them. However, these pilot programs have been generally restricted in breadth and scope, making it difficult to determine whether or not a BWC program will adequately work for a substantially sizeable police department such as the PGPD. To date, the most comprehensive study of BWC programs has been that compiled by the United Kingdom's Home Office -- which is, to put it very generally, akin to a British amalgamation of the Department of Homeland Security, the U.S. Department of Justice, and the Federal Bureau of Investigations. While the U.K. Home Office's guide presents a largely favorable perception of BWCs, it is important to consider the many inherent differences in the character of British and American law enforcement agencies, communities they serve, and nature of crimes. For any decision PGPD ultimately makes with respect to a BWC program, it absolutely must keep in mind there is still no conclusive proof, at the time of this writing, such a program works to keep communities and officers safer. As the Mesa (Arizona) Police Department (one of the first law enforcement agencies in the country to test a BWC pilot program) cautioned, "properly managed, the program is an asset to the organization; however, it can expose the department to increased liability without effective oversight."

The PGPD's evaluation of a BWC program should also factor in the reality that in today's world, cameras are everywhere. In the widely known stop-and-frisk case, Floyd v. City of New York, the court held for the legality of public recording of officers, stating "[cameras] will provide a contemporaneous, objective record of stop-and-frisks, allowing for the review of officer conduct [that] may either confirm or refute the belief of some minorities they have been

stopped simply as a result of their race.”<sup>3</sup> Due to recent events, the public has become growingly aware of its legal right in videotaping police officers and has increasingly used it as a tool in keeping officer conduct in check. In September 2014, the California Highway Patrol lost \$1.5 million in a settlement after one of its officers was caught beating a 51 year-old grandmother by the side of a road.<sup>4</sup> The CHP officer ultimately resigned from the force and may yet face serious criminal charges. A passing driver caught the beating on tape and the footage quickly went viral. As another testament to the ubiquity of cameras, the ACLU has promoted a smartphone app called “Police Tape” that allows the phone owner to secretly videotape police officers and send the footage directly to an ACLU-operated server.<sup>5</sup> Also, Witness, an international human rights organization, has provided a how-to manual available to the public, titled “Activists’ Guide to Archiving Video”, to assist in documenting human rights abuses, including those committed by law enforcement officers.<sup>6</sup> With such circumstances in mind, it may be better for the PGPD to proactively adopt and incorporate the technology in monitoring officer conduct rather than having technology, already available to the public, forced upon it and reacting to the footage.

Any decisions on whether or not to institute a BWC program and how to implement one cannot be made lightly. There are a myriad of reasons why BWCs should not be part of a police officer’s uniform. But there are also substantial and unavoidable reasons why the BWCs should be de rigueur. This report will outline and discuss both sides. Admittedly, there are many questions this report will leave unanswered simply because the issues were unenvisionable at the time of this writing due to novelty of the technology. Whatever issues or questions the PGPD eventually encounters with respect to BWCs, it must proceed to resolve them by considering the many values it seeks to promote: accountability, transparency, respect for personal privacy, cost-efficiency, and officer and public safety and health.

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<sup>3</sup> 959 F. Supp. 2d 540 (S.D.N.Y. 2013).

<sup>4</sup> Parker, Ryan et. al., “CHP agrees to settle, officer resigns in beating case”, Los Angeles Times, 24 September 2014; <http://www.latimes.com/local/la-me-0925-chp-beating-20140925-story.html>

<sup>5</sup> Mlot, Stephanie, “Police Tape: an ACLU mobile app to secretly record the police,” PC Mag, 5 July 2012; <http://www.pcmag.com/article2/0,2817,2406764,00.asp>

<sup>6</sup> “Activists Guide to Archiving Video”, Witness; [http://archiveguide.witness.org/sites/default/files/guide\\_final\\_compressed.pdf](http://archiveguide.witness.org/sites/default/files/guide_final_compressed.pdf)

## **BENEFITS OF A BODY-WORN CAMERA SYSTEM**

There is a groundswell of public demand for police departments across the country to outfit their officers with BWCs. The demand has also been under serious consideration as law enforcement agencies, themselves – and even accreditation authorities such as CALEA – have been feverishly drafting policies and protocols to launch BWC programs and provide guidance for their use.<sup>7</sup> However, the benefits of requiring officers to wear them are not only to satisfy and appease popular demand or assuage departments’ litigation concerns; BWCs additionally confer benefits to individual officers and departments. Some of these benefits include protecting an officer’s personal safety, vitiating frivolous complaints about police misconduct, and leading to faster and easier convictions of alleged criminals. There have been repeated instances where police officers who were once skeptical of a BWC program later actively requested their employment. While there are many benefits, it is also important to note any BWC policy will have its detrimental effects as well. This report provides an analysis of both the benefits as well as the concerns of a body-worn camera program.

### ***A. BODY-WORN CAMERAS: A TOOL TO HELP POLICE THE POLICE***

The most popular and well-known argument in support of BWCs is to keep police officer conduct and any potential acts of brutality in check. BWCs will likely improve the accountability of police officers and can help to prevent problems from arising in the first place.<sup>8</sup> They can do this in the following ways:

- Enhancing officer professionalism
- Assisting agencies to evaluate and improve officer performance
- Allowing agencies to identify and correct larger structural problems within the department

The numbers, thus far, seem to support the benefits of implementing a BWC program. One of the first police departments in the country to implement such a system was the Rialto (California) Police Department. The department reported an 88% drop in overall public complaints against officers within the first year of the program’s implementation.<sup>9</sup> Complaints about excessive use of force also dropped by 60 % – from sixty to twenty-five instances – within the same time frame.<sup>10</sup> The Mesa (Arizona) Police Department conducted an 8-month evaluation of a BWC program and divided 100 officers into two separate groups: fifty officers

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<sup>7</sup> See Appendix B. See also report prepared by Maryland’s Governor’s Office of Crime Control & Prevention entitled “Workgroup on the Implementation & Use of Body Worn Cameras by Law Enforcement - Final Report – December 2014” for which the PGPD Office of Inspector General actively participated and assisted.

<sup>8</sup> “Implementing a Body-Worn Camera Program”, Community Oriented Policing Services, United States Department of Justice

<sup>9</sup> Ian Lovett, “In California, a Champion for Police Cameras”, New York Times, 21 August 2013, <http://www.nytimes.com/2013/08/22/us/in-california-a-champion-for-police-cameras.html?pagewanted=all& r=0>

<sup>10</sup> Ibid.



with BWC and fifty without. The evaluation found twenty-three complaints against the group not required to wear them while only eight complaints were filed against the group required to wear them.<sup>11</sup> Officers required to wear a BWC experienced a 40% drop in total complaints and a 75% drop in use-of-force complaints as compared to the prior year.<sup>12</sup> The San Diego Police Department's use of BWCs resulted in a 40% drop in complaints against police officers as well as a 46% reduction in "personal body" use of force cases and a 30% reduction in the use of tear gas.<sup>13</sup> The BWC also provides evidence in cases of excessive use of force. For example, a veteran Las Vegas Metro police officer (at the time of this writing) faces criminal charges for his arrest of a woman, marking what may be the very first incident ever in the country where BWC footage led to criminal charges against a law enforcement officer.<sup>14</sup>

While American law enforcement agencies have been relative newcomers to the testing of BWC, some of their British counterparts have been examining their effects for a few years longer. The research from those agencies has also generally demonstrated a reduction of public complaints against police officers. In 2006, the Plymouth Police Department launched a year-long Plymouth Head Camera Project and reported its findings to the U.K. Home Office. The project involved fifty police officers who wore head-mounted video cameras and found a roughly 14% reduction in citizen complaints during the first 6 months of the project as compared to the same 6-month period from the prior year.<sup>15</sup>

As one police chief put it to explain the phenomenon, "everyone is on their best behavior when the cameras are running."<sup>16</sup>

## ***B. BODY-WORN CAMERAS: A TOOL TO HELP THE POLICE***

The virtue of video footage lies in the fact it is an unbiased tool. While the public clamor for BWCs focuses on the need to keep police officers accountable for any misconduct, BWCs also carry the potential of exonerating officers who do act within the parameters of the code of conduct. This additionally leads to a faster disposal of frivolous complaints and even convictions of complainants who were, themselves, involved in misconduct. Citizens know video evidence can instantly refute any unfounded brutality complaints and several police chiefs have remarked on how the ability to access footage quickly has led to quicker resolution

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<sup>11</sup> "Mesa Police Department Expands Body-Worn Video Program with TASER's AXON Flex Cameras and Evidence.com", Reuters, 19 June 2014,

<http://www.reuters.com/article/2014/06/19/idUSnMKWBbqFQa+1e6+MKW20140619>

<sup>12</sup> Ibid.

<sup>13</sup> "San Diego police body camera report: Fewer complaints, less use of force",

<http://www.latimes.com/local/lanow/la-me-ln-body-cameras-20150318-story.html>

<sup>14</sup> Ritter, Ken, "Vegas police officer wearing body camera facing battery case", Associated Press, 17 March 2015;

[http://news.yahoo.com/vegas-police-officer-wearing-body-camera-facing-battery-205644396.html?soc\\_src=mediacontentsharebuttons&soc\\_trk=ma](http://news.yahoo.com/vegas-police-officer-wearing-body-camera-facing-battery-205644396.html?soc_src=mediacontentsharebuttons&soc_trk=ma)

<sup>15</sup> Police and Crime Standards Directorate, "Guidance for the Police Use of Body-Worn Video Devices", U.K. Home Office, July 2007, <http://tacticalsafety.co.uk/uploads/attachment/18/home-office-report.pdf>

<sup>16</sup> "Implementing a Body-Worn Camera Program", Community Oriented Policing Services, United States Department of Justice

of many claims. The U.K. Home Office Guide draws a similar conclusion, stating “in a number of cases, the complainants have reconsidered their complaint after the [video] review, thus reducing investigation time for unwarranted complaints.” Video footage has led to an additional benefit for police officers: a 22.4% reduction in time spent on paperwork and trial preparation as offenders pleaded guilty when confronted with video evidence.<sup>17</sup> Several police departments have reported remarkable changes in the attitudes of police officers who initially fought the implementation of a BWC program: many of them – often those who had a history of public complaints -- later actively requested their use, realizing their exonerative value.<sup>18</sup>

Even after the arrest of a suspected offender, the benefits of BWCs continue. In the prosecution stage, video footage has proven to be invaluable. According to the National District Attorneys Association and the American Prosecutors Research Institute, 91% of attorneys use video evidence in court captured from in-car cameras.<sup>19</sup> BWCs – which are more mobile and more versatile (and therefore more useful) than dashboard cameras – will likely be used to the same extent, if not even more frequently. Video evidence may enhance the ability to obtain convictions and guilty pleas even before going to trial. A majority of prosecutors – roughly 58% -- have reported a reduction in time spent in court.<sup>20</sup> The Plymouth Head Camera Project reported the technology enhanced officers' ability to document a violent crime and the incidents recorded by BWCs were more likely to be resolved through guilty pleas rather than criminal trials.<sup>21</sup> Two other police departments reported similar results to the U.K. Home Office. In Renfrewshire, BWC cases were 70-80% less likely to go to trial compared to other court cases. In Aberdeen, none of the BWC cases resulted in a criminal trial.<sup>22</sup>

BWCs have significantly improved police officers' ability to retain and preserve evidence for investigations and court proceedings. Officers are usually more concerned about securing the scene or performing life-saving measures at an active site than following the rules regarding evidence collection and preservation. The utility of BWCs is particularly highlighted in domestic violence cases. Often, in such circumstances, police know a suspect is a habitual abuser but are stymied by the victim who eventually refuses to press charges. BWCs can capture first-hand the extent and gravity of injuries, the victim's demeanor, and immediate reactions following the incident of abuse. Prosecutors will then have enough evidence to move forward with a case even when the victim declines to press charges.

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<sup>17</sup> Carl Eve, “Plymouth police officers will wear body-mounted video cameras”, Plymouth Herald, 20 January 2014, <http://www.plymouthherald.co.uk/Plymouth-police-officers-wear-body-mounted-video/story-20466511-detail/story.html>

<sup>18</sup> These police departments include the Daytona Beach (Florida) Police Department and the Greenville (South Carolina) Police Department.

<sup>19</sup> “Implementing a Body-Worn Camera Program”, Community Oriented Policing Services, United States Department of Justice

<sup>20</sup> Ibid.

<sup>21</sup> Police and Crime Standards Directorate, “Guidance for the Police Use of Body-Worn Video Devices”, U.K. Home Office, July 2007, <http://tacticalsafety.co.uk/uploads/attachment/18/home-office-report.pdf>

<sup>22</sup> Ibid.

Additionally, video from BWCs can be a didactic tool. Recordings from the BWCs may be used to monitor probationary officers' performance in the field. By spot-checking a new officer's activities once the officer graduates from the academy, a police department could proactively identify potential problem areas of training deficiencies and correct them. The Police Executive Research Forum (PERF) conducted a survey of five hundred police departments in the United States and found that 94% of all respondents claimed to have used footage from BWCs to train officers and perform administrative reviews.<sup>23</sup> The footage was used in the following ways:

- Scenario-based training
- Evaluation of new officers' performance
- Identification of new areas where training is needed

According to the U.K. Home Office:

[The BWC] has been used ... as a training aid for student officers. The ability to review their performance in detail after an incident is a powerful tool for officers to highlight effective and ineffective actions. When reviewing their evidence, experienced officers who have used the equipment have also been able to assess their behavior and can professionalize their performance accordingly.<sup>24</sup>

Most important of all the BWCs benefits is the potential to save officers' lives. The ability to record footage can have a deterrent effect on physical attacks against police officers. During its BWC pilot program, the Aberdeen Police Department reported sixty-two assaults against its police officers. Sixty-one of them were against officers who did not wear a BWC. Or, in more unfortunate circumstances, BWCs can capture deadly or harmful confrontations where an officer is killed or hurt.<sup>25</sup>

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<sup>23</sup> "Implementing a Body-Worn Camera Program", Community Oriented Policing Services, United States Department of Justice

<sup>24</sup> Police and Crime Standards Directorate, "Guidance for the Police Use of Body-Worn Video Devices", U.K. Home Office, July 2007, <http://tacticalsafety.co.uk/uploads/attachment/18/home-office-report.pdf>

<sup>25</sup> See Burns, Frances, "Flagstaff officer's body cam recorded last moments of life", United Press International, 15 January 2015; [http://www.upi.com/Top\\_News/US/2015/01/15/Flagstaff-officers-body-cam-recorded-last-moments-of-life/1281421344570/](http://www.upi.com/Top_News/US/2015/01/15/Flagstaff-officers-body-cam-recorded-last-moments-of-life/1281421344570/)

## **POTENTIAL CONCERNS OF A BODY-WORN CAMERA SYSTEM**

While the logistical questions of establishing and implementing a BWC system may be formidable, the legal and policy-based questions surrounding the establishment and implementation of such a system must be first addressed. Some of the questions may include when and where law enforcement officers are allowed to record, who they are allowed to record, who is allowed to view the footage, and how the Department's protocol addresses a situation where a member of the public requests the footage. Answering these questions early on and in a well thought-out, comprehensive manner can provide a framework through which the BWC and its footage are used while preventing their misuse at the same time.

### **A. PRIVACY CONCERNS**

When it comes to audio and video footage, the state of Maryland has a general presumption against recording unless consent is obtained by all parties. Commonly known as a "two-party consent" law, it states the following:

It is lawful under this subtitle for a person to intercept a wire, oral, or electronic communication where the person is a party to the communication and where **all** of the parties to the communication have given prior consent to the interception.<sup>26</sup>

Federal and Maryland state laws provide several exceptions to the two-party consent law for law enforcement purposes. First, an officer cannot be prevented from recording when he or she lawfully stops a person or when he or she is lawfully and/or under court order, in a person's home without the person's consent (such as when executing a search warrant).<sup>27</sup> Maryland law also provides numerous, situation-specific exceptions for investigative and evidence-gathering purposes.<sup>28</sup> These situation-specific exceptions include the following crimes:

- Murder
- Kidnapping
- Rape
- A sexual offense in the 1<sup>st</sup> or 2<sup>nd</sup> degree
- Child abuse
- Child pornography<sup>29</sup>
- Gambling
- Robbery<sup>30</sup>
- Bribery

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<sup>26</sup> Md. Code Ann., Cts. & Jud. Proc. § 10-402(c)(3)

<sup>27</sup> 18 USCS § 2511(2)(c); 18 USCS § 2518; Md. Courts and Judicial Proceedings Code Ann. § 10-402(2)(i); *see also* United States v. Campagnuolo, 592 F.2d 852, 863 (5th Cir. Fla. 1979).

<sup>28</sup> Md. Code Ann., Cts. & Jud. Proc. § 10-402(c)(2)

<sup>29</sup> Criminal Law Article §§ 11-207, 11-208, 11-208.1

<sup>30</sup> Criminal Law Article §§ 3-402 and 3-403

- Extortion
- Dealing in a controlled dangerous substance<sup>31</sup>
- An offense relating to destructive devices<sup>32</sup>
- Sexual solicitation of a minor<sup>33</sup>
- An offense relating to obstruction of justice<sup>34</sup>

These situation-specific exceptions apply to investigating or collecting evidence of a conspiracy or solicitation to commit the above-mentioned offenses as well. Additionally, an officer may record without the consent of all parties if he or she records during a barricade situation and probable cause exists to believe hostages may be involved.<sup>35</sup>

However, because the exceptions apply only to the above-named, enumerated situations under the law, there may be a question of how the consent law applies in situations that were not specifically mentioned or contemplated by the state legislature. Therefore, officers should keep two general rules in mind when beginning any recording:

- Seek and obtain consent where possible
- Consider whether parties to a recording may have a “reasonable expectation of privacy”

A reasonable expectation of privacy exists to ensure police departments and other governmental agencies do not violate the rights of citizens under the Fourth Amendment.<sup>36</sup> In determining whether a person has a “reasonable expectation of privacy”, courts employ both an objective and subjective test. Under an objective test, a party has a reasonable expectation of privacy in places that are generally recognized by society, such as inside his or her home, a hotel room, public restrooms, and phone booths. Under a subjective test, a court will consider the particular facts of the case and the party’s expectation of privacy under those circumstances.

In light of privacy concerns and various state laws outlining proper recording protocols, the most common approach employed by police departments, according to the DOJ’s Community Oriented Policing Services, is to require officers to activate their BWCs in those locations where they had a right to be: after executing a search warrant, after being given consent, responding to calls for service, and responding to other law enforcement-related encounters -- traffic stops, arrests, searches, interrogations, pursuits, etc. Calls for service include priority responses and routine responses as defined in the General Orders.<sup>37</sup>

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<sup>31</sup> Criminal Law Article §§ 5-617 & 5-619

<sup>32</sup> Criminal Law Article § 4-503

<sup>33</sup> Criminal Law Article § 3-324

<sup>34</sup> Criminal Law Article §§ 9-302, 9-303, 9-305

<sup>35</sup> Md. Code Ann., Cts. & Jud. Proc. § 10-402(c)(2)(ii)(2)

<sup>36</sup> “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

<sup>37</sup> Prince George’s County Police Department General Orders, Volume II, Chapter, § V(1)

Just as important in any discussion of a recording policy is the discussion of when and under what circumstances police officers must be required to record. Some departments have taken the position of recording all public encounters with police. Some civil rights groups, such as the ACLU, have advocated for the recording of all interactions with the public.<sup>38</sup> As the argument goes, the main reason for recording all – and not some – interactions is to protect police officers from allegations of discretionary recording and/or tampering. As the ACLU previously stated "you don't want to give officers a list and say 'only record these following ten types of situations'. You want officers to record all the situations so, when a situation does go south, there's an unimpeachable record of it – good, bad, ugly, all of it."<sup>39</sup>

However, there are numerous problems with recording all interactions between officers and members of the public. First, it creates a storage and capacity nightmare. If all 1,700 officers of the PGPD were required to record every single interaction for every single 10-hour shift on patrol, any capacity to store the footage -- whether stored in-house or through a third-party supplier – would be quickly consumed and would correspondingly lead to an astronomical rise in costs. This cost would also include more resources needed for redaction of footage and editing of images to protect third-party privacy interests. Other foreseeable problems would be the complexity of locating relevant video evidence for any particular case and a need for additional staff to upload the immense quantities of footage and locate relevant video evidence. Second, requiring the recording of all interactions creates privacy<sup>40</sup> and intelligence-gathering concerns<sup>41</sup>.

According to the Department of Justice's Community Oriented Policing Services (COPS), most police departments give officers some discretion to record, requiring those officers to articulate specific reasons why the recording didn't occur either in the footage or in writing. This is because there is a genuinely possible concern officers, in exercising their discretion, will choose not to record some encounters with the public as they are required. Additional safeguards PGPD can implement to ensure compliance with recording requirements would be to require supervisors to provide further documentation, explaining why their subordinates failed to use the cameras and providing all officers with a notice of potential penalties for failing to adhere to departmental policy.

One additional and related issue on the question of when to record involves the concern of whether PGPD officers should be required to wear and use the BWCs during secondary employment assignments. In making this decision, it is important to be aware of some of the stories that are now surfacing that seem to speak to the alleged failures of a body-worn camera

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<sup>38</sup> Although, the ACLU discusses the concerns for violation of privacy rights by body-worn cameras as well. See "Police Body-Mounted Cameras: With Right Policies in Place, a Win For All"; <https://www.aclu.org/technology-and-liberty/police-body-mounted-cameras-right-policies-place-win-all>

<sup>39</sup> "Implementing a Body-Worn Camera Program", Community Oriented Policing Services, United States Department of Justice

<sup>40</sup> *Supra*

<sup>41</sup> *Infra*

program. One such recent story involves the Denver Police Department.<sup>42</sup> According to the Associated Press, the Denver Police Department's 6-month long BWC pilot program produced only 21 recordings out of 80 use-of-force cases. Instead of seeing a drop in use-of-force incidents and citizen complaints, the department saw a rise during that period. But a closer look at the program produces a more nuanced picture of the alleged failure. It turns out, of the 59 use-of-force incidents that were not recorded, 35 involved instances where the officer was working off-duty as a security guard and was not required to wear the BWC per DPD's pilot program policy<sup>43</sup>. Although there are profound and foreseeable challenges in requiring law enforcement officers to wear BWCs even during secondary employment assignments, these challenges should be evaluated in light of the aims of community accountability and safety.

As for how much of any one incident must be recorded, police departments usually require BWCs to remain in record mode until the conclusion of an incident or encounter, the departure of the officer from the scene, or upon supervisor authorization to cease recording. Officers must also typically leave their cameras recording on their own initiative when responding to live crime scenes to capture spontaneous statements and impressions. As soon as the live crime scene advances into an investigative stage – such as when crime scene tape is put up or detectives arrive – officers have more discretion on whether to record. Additionally, in cases where an officer has doubts on whether or not to record, the general rule is to record with reasonable expectations of privacy in mind.

#### ***B. CONCERNS RELATED TO IMPACT ON COMMUNITY RELATIONSHIPS***

Of equal importance, and related to the issue of privacy, is the concern over what potentially detrimental impact BWCs can leave on relationships between law enforcement agencies and the communities they serve. In its survey of more than two hundred law enforcement agencies that have already tested a pilot program, a number of police departments reported to COPS the deployment of BWCs has had some impact on intelligence-gathering activities, particularly where officers had no discretion on when they could stop recording.<sup>44</sup> These departments claimed the negative impact stemmed from the public's reluctance in giving information when citizens knew they were being videotaped.<sup>45</sup>

There are three possible ways to mitigate public reluctance. First, as discussed above, some agencies limited BWC recording requirements to calls for service and/or law enforcement-

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<sup>42</sup> Associated Press, "Denver police cameras didn't record most use-of-force cases", The Washington Post, 11 March 2015; [http://www.washingtonpost.com/national/denver-police-cameras-didnt-record-most-use-of-force-cases/2015/03/10/2cd43ea4-c782-11e4-bea5-b893e7ac3fb3\\_story.html](http://www.washingtonpost.com/national/denver-police-cameras-didnt-record-most-use-of-force-cases/2015/03/10/2cd43ea4-c782-11e4-bea5-b893e7ac3fb3_story.html)

<sup>43</sup> Balko, Radley, "Denver's pilot program says very little about the effectiveness of police cameras", The Washington Post, 11 March 2015; <http://www.washingtonpost.com/news/the-watch/wp/2015/03/11/denvers-pilot-program-says-very-little-about-the-effectiveness-of-police-cameras/>

<sup>44</sup> "Implementing a Body-Worn Camera Program", Community Oriented Policing Services, United States Department of Justice

<sup>45</sup> However, the COPS report also stated public reluctance did not play a significant impact on the departments' ability to gather information from the public

related contacts rather than recording every single encounter. This allowed officers to avoid having to record every interaction, including casual conversations that are critical to building informal relationships with members of the community.

Second, a number of agencies granted officers discretion to turn off their BWCs when talking with a person who wanted to share information about a crime. In employing such discretion, officers routinely weighed the value and importance of recording the statement against the citizen's hesitation to be recorded. In cases where such an evaluation was a close call, officers were trained to develop a rapport with the reluctant witness by being honest about the purpose of recording rather than pressuring him or her to talk.

Third, many police executives found it useful to notify and engage with the community before initiating their BWC programs. For example, the Rialto Police Department used social media to inform the public about its program. There are indications the public is more accepting of a BWC program if police departments are transparent about their policies and practices. Some police departments have proactively posted BWC footage on their websites to demonstrate this transparency and to help resolve questions surrounding controversial officer-related incidents.

### ***C. CONCERNS RELATED TO IMPACT ON POLICE OFFICERS***

As important as it is to consider what impact BWCs may have on community relationships and the privacy rights and interests of the public, it is also highly important to consider what impact a BWC program may have on the officers who are required to wear them. One of the primary concerns is the well-founded fear BWCs can erode the trust between officers and their superiors. Some officers may view the cameras as a sign of mistrust and a means of tracking and scrutinizing their every move.

There is the possibility there will be reluctance in requiring officers to record footage as part of their job. Other police departments have run into pushback from their officers. The Mesa Police Department, during its year-long pilot program involving fifty officers, instituted two different policies regarding the use of BWCs. For the first six months, the department promulgated a policy that stated "officers will make every effort to activate the on-officer body camera when responding to a call or have any contact with the public". In the following six months, the requirement was less restrictive and allowed officers to "exercise discretion" in making the decision to record or not. During the first six months (with the more restrictive recording policy), officers averaged 2,327 videos per month. But in the final six months (with the less restrictive recording policy), the number of recordings dropped to roughly 1,353 videos per month. In the same program, the department found officers who volunteered for the program averaged seventy-one video files per month versus the twenty-eight video files made by officers who did not participate voluntarily.

As a result, one of the most important decisions the Department must make is how it plans to use the BWC footage to monitor officer performance. Police departments that have already engaged in a pilot program have generally used BWCs as performance monitors in one of five



ways. Most police departments who responded to the COPS survey allowed supervisors to review the footage to investigate a specific incident or complaint, to identify videos for training purposes, to ensure the BWC system is adequately functional, and to monitor overall compliance with the program. Some police departments went a step further and allowed periodic monitoring to help proactively identify problems and hold officers accountable for their performance. Other police departments allowed monitoring only in specific circumstances such as when an officer is in a probationary period or received several complaints. Still others prohibited random monitoring altogether on the belief that review is unnecessary if supervisors conduct reviews when an incident occurs. One additional policy was to grant an agency's internal audit unit – rather than officers' direct supervisors – to undertake periodic, random monitoring. This approach allows police departments to monitor compliance with the program and evaluate officer performance without having to compromise the trust between an officer and his or her superior.

The next step is for the department's leaders to openly communicate with officers about the BWC program whether through officer briefings, roll calls, or meetings with union representatives. In such communication, it is imperative to emphasize how BWCs can be useful to officers in performing their duties.

#### ***D. POTENTIAL DISSENT FROM POLICE UNIONS***

It may also be possible there will be reluctance from the police union in supporting the BWC program. The unions for both the Las Vegas Metropolitan Police Department and New York Police Department have threatened to file suit against their respective departments, claiming the BWCs represent a change in working conditions that require a contract re-negotiation. Unions have cited officer safety and health concerns to fight off the implementation of a BWC system. The U.K. Home Office guide provides a list of potential health and safety hazards to officers who wear them. Some of the risks include possible electrical shock, neck injuries stemming from the weight of the camera, the transfer of infectious agents or bodily fluids when cameras are shared, and the opportunity to strangle officers with a camera strap. This equipment would only add to the items that already weigh down police officers such as flashlights, radios, mace, and firearms. The best solution to heading off any potential blowback from the union is to include union officials in the decision-making process and elicit suggestions for rules and procedures.

#### ***E. PUBLIC REQUESTS FOR VIDEO FOOTAGE***

Once the Department employs a BWC program, it will likely receive public requests for the footage. This presents policy concerns – such as how much, when, and what types of footage may be released to the public – and implementation concerns – such as technological and manpower capabilities in providing copies and redacting portions of the footage. Upon establishing its BWC program, the Mesa Police Department received three to four video requests a month. In three of those requests, blurring out of portions of the footage was necessary, with the editing process taking approximately ten hours for each case. Last year, an

unidentified Seattle-area citizen, filed a public disclosure request with the Seattle Police Department that threatened to shelve its BWC pilot program only weeks before its launch.<sup>46</sup> The anonymous citizen wanted all the footage from every one of the 1000 officers taking part in the pilot program for the duration of the program's 6-month period. The request was impossible for the department to fulfill and would have crippled the city of Seattle financially at an estimated cost of \$110 million.<sup>47</sup>

Thus, it is very important for the Department to first determine what its policies will be regarding allowing members of the public to view footage captured by BWCs. When making this decision, it is important to remember the BWC program's primary purpose is to provide police transparency and accountability to the public and allowing the public to view footage would help further this goal. Unfortunately, providing transparency and accountability can also compromise police investigations and other operations. The Department must reach a delicate balance between transparency and accountability and the ability to carry out its functions effectively when writing its rules on public disclosure.

Any decision regarding the disclosure or non-disclosure of BWC footage to the public requires an understanding of freedom of information laws. In Maryland, the Public Information Act<sup>48</sup> (PIA) governs information gathered by the PGPD and other state police departments. The PIA generally promotes the release of footage to the public upon request.<sup>49</sup> But there are a number of exceptions any police department in the state of Maryland can employ in denying a request for release of footage to the public.<sup>50</sup> Whenever outright denial of a public request is not possible, the law also allows for redaction (or in the case of footage, blurring) of information.<sup>51</sup> Some of this information includes the faces of juveniles, the identities of undercover officers, information on informants, nudity, and other sensitive material.

The most significant and regularly used of the exceptions to the PIA is the public interest or the investigatory exception.<sup>52</sup> Essentially, this exception allows a law enforcement agency to deny access to footage in an attempt to ensure an investigation or public safety is not compromised. In the past, law enforcement agencies across the country have regularly employed their own state's version of the investigatory exception in denying release of records to the public. But the exception is not an unchecked justification for non-disclosure and has been increasingly curtailed in its parameters. For example, a New Jersey court recently held dashboard cameras could not be covered under the investigatory exception because 1) they captured what the

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<sup>46</sup> Miletich, Steven and Jennifer Sullivan, "Costly public records requests may threaten SPD plan for body cameras", The Seattle Times, 20 November 2014; <http://www.seattletimes.com/seattle-news/costly-public-records-requests-may-threaten-spd-plan-for-body-cameras/>

<sup>47</sup> Mullin, Joe, "Seattle police may dump plans for body cams, citing records requests", Ars Technica, 20 November 2014; <http://arstechnica.com/tech-policy/2014/11/seattle-police-may-dump-plans-for-body-cams-citing-records-requests/>

<sup>48</sup> Md. Ann. Code art. GP, §§ 4-101 – 4-601

<sup>49</sup> Md. Ann. Code art. GP, § 4-103(b)

<sup>50</sup> Md. Ann. Code art. GP, §§ 4-301 – 4-326

<sup>51</sup> Md. Ann. Code art. GP, § 4-343

<sup>52</sup> Md. Ann. Code art. GP, § 4-351

public would see anyway even without the footage and 2) law enforcement agencies could not retroactively label footage as “investigatory” when it was already required to be made per the agency’s dashboard camera protocol.<sup>53</sup> Courts in Maryland have more broadly construed the investigatory exception, allowing police departments to exercise their discretion in claiming an investigatory exception<sup>54</sup> and to baldly assert the exception without an actual demonstration of law enforcement purposes.<sup>55</sup> However, with recent clamor for increased police transparency and accountability, it is possible the law’s recognition of the investigatory exception’s scope of use might change. Additionally, it is important to remember police departments have been less successful in claiming the investigatory exception once an investigation has been closed and have been required to provide a more particularized factual basis for a denial.<sup>56</sup>

Maryland law additionally recognizes a favorable basis of disclosure to a “person in interest”. A “person in interest” is a person who is the subject of a public record, designee of that person, or the parent or legal representative of the person if the person has a legal disability.<sup>57</sup> Because of his or her favored status, a person of interest must receive a specifically enumerated reason to justify the withholding of an investigatory record rather than a very general and broad claim of investigatory purposes. The PIA recognizes the following seven reasons for denying a request for BWC footage where disclosure would:

1. Interfere with a valid and proper law enforcement proceeding
2. Deprive another person of a right to a fair trial or an impartial adjudication
3. Constitute an unwarranted invasion of personal privacy
4. Disclose the identity of a confidential source
5. Disclose an investigative technique or procedure
6. Prejudice an investigation
7. Endanger the life or physical safety of an individual<sup>58</sup>

The same rules will likely apply to BWC footage requests made by a person in interest.

In sum, footage obtained from BWCs is subject to disclosure under the PIA. This is particularly true if the person who is requesting the footage is a person in interest. Denials for the request may be made under an investigatory exception to the PIA – which courts have historically construed in favor of law enforcement agencies. But, given recent stories involving brutality and misconduct, this presumption may soon change and require greater transparency and accountability from police departments. Where outright denial of a public information request for the footage is not possible, blurring of portions of BWC footage may be available. Footage that contains highly sensitive material – such as faces of

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<sup>53</sup> Baxter, Christopher, “N.J. police dashboard video recordings are public records, state judge rules”, New Jersey Online, 13 October 2014, [http://www.nj.com/politics/index.ssf/2014/10/nj\\_police\\_dashboard\\_video\\_recordings\\_are\\_public\\_records\\_state\\_judge\\_rules.html](http://www.nj.com/politics/index.ssf/2014/10/nj_police_dashboard_video_recordings_are_public_records_state_judge_rules.html).

<sup>54</sup> *Briscoe v. Mayor of Baltimore*, 100 Md. App. 124,129 (Md. Ct. Spec. App.1994).

<sup>55</sup> *Superintendent, Maryland State Police v. Henschen*, 279 Md. 468, 475 (Md. 1977).

<sup>56</sup> *Prince George's County v. Wash. Post Co.*,149 Md. App. 289, (Md. Ct. Spec. App.2003)

<sup>57</sup> Md. Ann. Code art. GP, § 4-101(e)(1)-(2)

<sup>58</sup> Md. Ann. Code art. GP, § 4-351(b)

juveniles or the identities of undercover officers and informants – should be blurred as common practice.

***F. OFFICER REQUESTS TO REVIEW FOOTAGE***

Given the impact BWCs can have in criminal and administrative proceedings, there is some question as to whether officers should be allowed to review BWC footage prior to making a statement about an incident in which they were involved. The primary benefit to allowing officers to review BWC footage is the fact it allows him or her to recall events more clearly. This has the ultimate effect of getting to the truth of what really happened in an incident in which the officer was involved.

The majority of police executives who have been consulted by the Police Executive Research Forum (PERF), a non-profit police research and policy organization that provides executive-level education and management services to law enforcement agencies, supported the policy of allowing police officers to view their BWC footage prior to making any statements about the incident in which they were involved.<sup>59</sup> This is because unfair doubts about the officer's credibility can arise if the officer is not allowed to review the video and the footage conflicts with his or her statements. It is also very important to facilitate officers to better articulate their impressions, emotions, and thoughts at the time of an incident by allowing them to review footage of the incident in question. While cameras can provide an objective record of an event, it cannot capture the tension, the emotions, and the thought processes within an officer's mind during the occurrence of the event. Allowing an officer to view footage of an incident may allow for a better and more nuanced understanding of the incident in question.

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<sup>59</sup> "Implementing a Body-Worn Camera Program", Community Oriented Policing Services, United States Department of Justice

## **LOGISTICAL CHALLENGES TO IMPLEMENTING A BODY-WORN CAMERA SYSTEM**

Aside from legal and policy-based concerns of BWCs are the logistical challenges they may pose. However, unlike legal and policy-based concerns which can be addressed by examining state law, case law, and everyday practices of police officers, some logistical challenges cannot be fully addressed at this point because the technology is still new. Police departments across the country are still grappling with concerns such as cost, type(s) of cameras to be used, methods of media storage, and upload practices and procedures. These are very important considerations because a program can cost millions of dollars and consume hundreds of human capital-hours – two things that are forever in short supply to virtually all police departments.

The decisions PGPD makes involving the logistics of a BWC program must be made with a firmly-rooted and abundantly clear understanding that the cameras will not be a panacea to every problem of officer misconduct. This is because there are tremendous physical limitations to cameras. For one, BWCs cannot capture the psychological and emotional tension that lead to a confrontation. Officers – especially those who are experienced – employ instinctive and visual cues that may lead to a use of force. BWCs also cannot capture a police officer’s instincts at the time of a confrontation and, as a result, a preemptive measure may ultimately appear as if the officer made an unprovoked attack. Cameras views and angles may be blocked by body parts or other equipment, low light or other environmentally challenging situations may compromise the clarity of the footage, and BWCs capture three-dimensional situations in two dimensions, causing distance and threat distortions. When making logistical decisions for the BWC program, it is worth bearing in mind the footage “must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight”.<sup>60</sup>

### **A. COST**

BWCs come at a very heavy financial cost. Some of the costs include initial purchasing costs, funding and staffing resources for storing recorded data, managing videos, providing copies to the public, training officers for their use, and other anticipated and unanticipated expenses of administering the program. The Cleveland (Ohio) Police Department, in starting up its own BWC program, spent \$2.4 million that covered the cost of 1500 cameras and a 5-year subscription to a cloud-based server where the department would upload the camera footage.<sup>61</sup> PGPD’s Information Technology Division estimates the cost of the pilot program alone to run between \$200,000 and \$600,000.

Sticker shock is understandably a common deterrent to implementing a BWC program. According to PERF’s survey, nearly 40% of responding departments cited cost as the primary reason for refusing the implementation of a BWC program.<sup>62</sup> The price of can range from roughly \$120 to nearly \$2000 for each camera and vary depending functionality, storage capacity, and battery life. There are also additional replacement costs.

Even apart from the cost of the individual BWCs themselves, data storage would be far and away the most expensive part of a BWC program. The cost of data storage will depend on how many videos are

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<sup>60</sup> *Graham v. Connor*, 490 U.S. 386, 396 (U.S. 1989).

<sup>61</sup> Shaffer, Cory, “Everything you need to know about Cleveland police body cameras”, Cleveland Plain Dealer, 19 March 2015; [http://www.cleveland.com/metro/index.ssf/2015/03/everything\\_you\\_need\\_to\\_know\\_ab\\_2.html](http://www.cleveland.com/metro/index.ssf/2015/03/everything_you_need_to_know_ab_2.html)

<sup>62</sup> “Implementing a Body-Worn Camera Program”, Community Oriented Policing Services, United States Department of Justice

produced regularly, how long the footage must or will be kept, and where the videos are stored. Police departments can choose to manage and store video in-house or use cloud-based storage solutions offered by third-party vendors. If the videos are stored on an online cloud database, costs typically go toward paying the third-party vendor to manage data and provide other services such as technical assistance and forensic auditing. If videos are, instead, kept in-house, police departments must often purchase additional equipment, technical staff, and systems to ensure data are secure. There are also additional financial and staffing commitments. Many police departments appoint at least one full-time officer to manage the BWC program and provide ongoing training programs, ensure cameras are properly maintained, fix technical problems, and address issues of officer non-compliance. For PGPD's size requirements, the Information Technology Division recommends the creation of a new unit to administer a BWC program. The unit would be composed of 3 full-time PGPD civilian personnel at an approximate cost of \$50,000 per employee a year (exclusive of benefits).

There are also significant administrative financial and time costs involved with responding to footage requests from the public or news media for BWC videos or from parties to litigation. Police departments that already employ BWC programs estimate the average footage from an on-duty officer is 13 minutes long. For every 8 minutes of video, it takes roughly 30 minutes to review, edit, and redact.<sup>63</sup> When a police department receives a disclosure request, officers or personnel must spend time reviewing videos to find relevant footage, determining whether an exception to disclosure applies, identifying portions of the footage that must be redacted, and performing the redaction process.

Some police departments, however, have taken effective steps in keeping costs down. They have adopted shorter data retention periods for non-evidentiary footage that would otherwise, if kept indefinitely, overwhelm a police department's resources. As for footage that must be kept for a much longer period of time – such as videos of a homicide or other serious felony – police departments have explored other cheaper storage methods. One idea has been to use the services of a third-party online cloud system but keep in-house the videos that provide evidence of matters likely to be used in court proceedings. This has the advantage of minimizing the department's own staffing and equipment requirements while avoiding tremendous costs of a third-party vendor.

However, as much as the potential costs of BWC program can be staggering, it is important to remember the program can also save money. By improving officer professionalism, strengthening officer training, and documenting encounters with the public, BWCs can help this Department and the county avoid frivolous lawsuits and judgments against its officers that can cost millions of dollars.

## ***B. CHOOSING A TYPE OF BODY-WORN CAMERA***

There are a variety of BWCs the Department can test and ultimately implement. Cameras come in all sizes and utilize various attachment methods. Some cameras can be attached to a helmet; others can be worn with glasses, connected to a lapel or badge, hung around the neck, or modified to fit with a gun. As the public attention on officer accountability and transparency continues, it is possible other manufacturers will develop their own technologies and make additional modifications.

This report will not provide a discussion of the various BWCs that are currently on the market and their respective advantages and disadvantages, as there are other persons within PGPD who are much more

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<sup>63</sup> "Mayor Rawlings-Blake's Working Group on the Use and Implementation of Body-Worn Cameras", 18 February 2015

knowledgeable and adept at understanding the available technologies.<sup>64</sup> But PGPD's Information Technology Division has already determined the most optimal required equipment specifications. The specifications include the following:

- 720p resolution
- Function in -10 to 120 degree temperature range
- Ten (10) hours battery life
- Eight (8) hour continuous recording capability
- 130 degree wide angle lens field of view
- Low light capability that captures but does not enhance what is visible to the human eye
- Video time and date stamp
- Thirty (30) second pre-event recording or buffering that captures video just prior to activation
- GPS capabilities for metadata tagging on incident location
- Capability to turn audio on/off via the BWC on an as needed basis
- Weather and/or water resistance or proof
- Alerting mechanism when device is actively recording

The Information Technology Division has also determined the following required software specifications to be used in conjunction with the BWCs. These specifications include the following:

- Compatibility with Microsoft Windows 7
- Ability to review video in real time by an officer on the scene on either the actual BWC or using a mobile platform (Android, iOS and Windows Mobile)
- Audit log to support full chain of custody details including:
  - Camera turned on/off
  - Assigned officer name
  - Video upload details
  - Tagging details
  - Deletion
  - Access, export and copy information
  - Camera errors
- Role-based security to manage user privileges and rights
- Ability to export video and audio to a standard acceptable, non-proprietary video format

For the purposes of evaluating which BWC best fills the objectives and needs of the Department, it is advisable at this stage for a pilot program to test several different cameras by the same officers who have been chosen or volunteered for the program. This will provide a broader and more experienced basis of opinion which would eventually assist in the purchasing decision.

### **C. DATA STORAGE AND MANAGEMENT**

Despite the costs of outfitting the Department's officers with BWCs, the pricier dimension of a BWC program is data storage and management. This is due to the costs of setting up and maintaining a data storage infrastructure, constant upgrades to storage capacity, video editing equipment, and staffing and

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<sup>64</sup> But a spreadsheet of various cameras and their specifications have been provided as Appendix C to this report

other resources involved with uploading, redacting, and retrieving video for public information requests or to assist with litigation. There are two basic methods of data storage and management: utilizing a third-party, online cloud database or a system of in-house servers. When choosing which method PGPD will employ, it must also consider several factors including – but not limited to – security concerns, reliability of method in backing up data, chain of custody issues, ease of footage upload and retrieval, and capacity for data storage.

Specifically, in regard to chain of custody issues, the Department must consider several other sub-issues such as the potential for video manipulation and tampering and possible chain of custody challenges by defense attorneys. An important question for the department to address is how much responsibility – if any – it will place on officers to upload and/or manage video.

Depending on the number of cameras that will be in commission and what the Department's policy is regarding when and how often officers will be required to record, storage capacity could easily be the costliest component to data storage and management. It is also important to remember Maryland has laws regarding how long video recordings must be stored based on the type of the content and whether it will be used in court. One particular method several police departments have used is to first determine whether the footage is evidentiary or non-evidentiary in its evaluation of how long it should be kept. Evidentiary footage is usually a recording of an incident or encounter that could be useful for investigative purposes. The retention time for evidentiary footage is determined by what incident it captures and state-mandated retention requirements. Non-evidentiary footage usually has no value in aiding an investigation or prosecution. Police departments have usually had more leeway in setting retention guidelines and times for non-evidentiary footage, with most police departments retaining them for a period of 60 to 90 days before destruction.



## CONCLUSION

The question of whether to implement a BWC program and other questions related to such a program cannot be addressed with fleeting and scant attention to the bevy of issues that arise from it. This is because inattention can potentially result in significant amounts of money being wasted, a tremendous hit to officer morale, a dangerous compromise to police officer safety, or even more demands of accountability from the public. Issues must be fully discussed and carefully considered before the launch of any BWC program. The Office of the Inspector General recommends convening various actors involved in decision-making, line police officers, the police union, civil rights groups, and concerned members of the general public. Some of the most important questions are the following:

- Will the body-worn camera program violate a person's right to privacy?
- Under what circumstances will officers be required to record?
- Will officers additionally be required to wear the cameras in secondary employment assignments?
  - What steps must an officer make when he or she fails to record?
  - Will an officer have the discretion to record, depending on his or her circumstances?
  - How will BWCs affect the morale of PGPD as a whole?
  - How will BWCs affect the health and safety of police officers?
  - How will the police union react to any requirement of BWCs?
  - How will PGPD address public requests for the footage?
  - How will PGPD handle the likely demand for increased resources in maintaining a BWC program?
- How much and what types of footage will PGPD be required to preserve?
- How will PGPD preserve the footage – in-house or through a third-party vendor or, perhaps, some other means?
  - What kind of BWC(s) will PGPD require its officers to use?
  - Who will be required to wear the BWC(s)?
  - Will the footage be used as a training resource?
  - Will the footage be used to monitor officer actions?
  - How closely will officer actions be monitored through the use of BWC footage?
  - Will officers be allowed to view their own footage?
  - How will PGPD pay for a BWC program?

Even if PGPD ultimately decides to forego a BWC program, it must do so while keeping in mind the benefits associated with such a program. The studies thus far – as sparse as they may currently be – seem to indicate an enhancement to officer safety and well-being and have demonstrated a substantial elimination of frivolous lawsuits and claims of police misconduct. Cases have been resolved more quickly and police officers have noted decreased time spent on paperwork and in trial as a result of camera footage. Both officers and citizens have appeared to be on good behavior because the cameras seem to produce a deterrent effect to misconduct. Although no hard and fast numbers are available, the cameras may have the ability in preventing millions of dollars lost as a result of misconduct claims. As noted earlier, there have been instances where departments and officers who previously fought against a BWC program have later embraced it, seeing the benefits.

But above all questions, the most fundamental question this Department must ask itself in its decision for or against a body-worn camera program is the following: what does it aim to accomplish by making

its officers wear a BWC? The answer to that question is the best guide for the implementation and foundation of policies to support a BWC program.

**APPENDIX A:**  
Proposed PGPD Body-Worn Camera Test and Pilot  
Program



# Prince George's County Police Department

## Body-Worn Camera Test and Pilot Program

### I. BACKGROUND

The purpose of this order is to outline the policy and procedures for the use of body-worn cameras (BWCs) by members of the Prince George's County Police Department (PGPD) during the Test and Pilot phases of the proposed BWC implementation. BWCs have proven effective in reducing violent confrontations, uses of force, and complaints against officers. For the purposes of this program, BWCs will be deployed to a selection of officers from various units within the department, including the Special Operations Division (SOD). Participating members of the Pilot Group will be governed by the policy and procedures outlined in this order. A Control Group which will not be assigned BWCs will also be identified and tracked in order to assess this BWC program.

### II. POLICY

#### 1. Officer Safety takes Precedence over Recording Events

- a. It is the policy of PGPD to use BWCs to enhance service to the community by accurately documenting all law enforcement-related encounters including – but not limited to – traffic stops, field observations, and arrests while also ensuring officer and public safety. The BWC Committee will evaluate how much discretion an officer will be given in making his or her decision to record non law-enforcement-related encounters after the conclusion of the BWC pilot program.
- b. Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.
- c. The PGPD BWC Test / Pilot Program is structured to evolve as the Department learns about these devices and they will be used in real-world situations. As this is a nascent technology, it is understood that equipment, strategies and laws will change, and the Department will need to adapt as it progresses in the use and implementation of BWCs.

### **III. DEFINITIONS**

1. Body Worn Camera (BWC): a camera system with secure internal memory for storage of recorded audio and video, designed to be worn on an individual.
2. Body-Worn Camera Committee: an internal PGPD Committee designated by the Office of the Inspector General to study, propose and facilitate PGPD's possible adoption of BWCs.
3. Metadata: Descriptors used to identify digital evidence.
4. Officer: PGPD personnel actively participating in the BWC test or pilot phases.
5. Pilot Phase / Program: That period of time during which the BWC Program will be assessed during regular PGPD operations
  - a. Pilot Group: a selection of PGPD officers who will be issued BWCs for the duration of the Pilot Program.
  - b. Control Group: a selection of PGPD officers which is equal in size and assignments to the Pilot Group. The Control Group will not be issued BWCs.
6. Test Phase: That period of time during which BWCs, policies and operational tactics are assessed, selected and set forth in anticipation of the Pilot Phase.

### **IV. REGULATIONS**

1. Only officers designated by their commander shall participate in the BWC Test and Pilot programs.
2. Officers shall complete training for the use of the BWC; training shall be specific to the model(s) that each officer is issued.
3. The various BWC models may be tested and utilized during the BWC Test and Pilot programs, as determined by the Body-Worn Camera Committee.
4. Officers must follow PGPD officer safety policies while conducting enforcement stops. Officer safety will take priority over the ability to record an event during a citizen contact or vehicle stop; however officers must be able to articulate why any decision was made to fail to record.
5. Officers shall mount the BWCs in a manner approved by the Department; members must only use the equipment that they are issued by the Department. The BWC must be worn for the entire shift.
6. BWCs must be functional at all times during a shift.
7. BWCs must be activated at the initiation of a law enforcement or investigative encounter between the officer and a member of the public, or when the officer is responding to a call for service.

8. All recordings associated with BWC are the sole property of PGPD.
9. Officers shall only use PGPD-issued BWCs while on-duty, working in an official law enforcement capacity, and during secondary employment assignments.
10. Officers **shall not**:
  - a. Remove or tamper with the BWCs.
  - b. Destroy, alter, or release any recordings without permission of the Chief of Police.
  - c. Copy or share a recording without approval; recordings should be shared for official law enforcement purposes only.
  - d. Use the BWCs while off-duty.
  - e. Record personal activity.
  - f. Record conversations of members without their knowledge during non-enforcement related activities.
  - g. Record in places where a reasonable expectation of privacy exists unless the activation is required for the performance of official duties.
  - h. Post recordings to any social media site.
11. Recordings shall only be stored on a PGPD-approved server or storage device.
12. Recordings should not be seen as a substitute for written reports; officers must continue to complete written reports in conjunction with the BWC recordings.
13. During the Test and Pilot phases, officers issued BWCs must return the BWC at the end of their shift. Devices must be stored in designated, secure storage locations at PGPD facilities when devices are not in use.
14. When an officer fails to record a law enforcement-related encounter or according to other recording protocols as determined by PGPD, the officer shall document his or her reasons for failing to record.

## V. PROCEDURES

### 1. BWC Equipped Officers

- a. Officers are responsible for the maintenance and function of their BWC at all times during their shift.
- b. Prior to deployment, officers shall:
  - i. Test their BWCs to ensure that are functioning correctly. If a BWC is damaged or not working properly, the officer must notify an official immediately.
  - ii. Make sure that the BWC is fully charged and empty of any previous data at the beginning of each shift.

2. If a BWC becomes inoperable during the course of a shift, whether through damage or general malfunction, the officer must immediately notify a BWC program official and take the camera out of use. A supervisor will meet with the officer to provide a replacement as soon as practicable.

3. Officers will record the following police activity:

- a. Response to 911 or priority calls, starting when the officer begins travel to the call and ending consistent with Paragraph 5 (below),
- b. Terry stops
- c. Traffic stops
- d. On-View Criminal Activity
- e. Arrests and seizures
- f. Searches and inventories of vehicles or persons
- g. Transports (excluding ride-alongs and passengers for meetings)
- h. Vehicle Eluding/Pursuits
- i. Questioning suspects or witnesses

4. Once activated, a BWC shall continue recording until:

- a. The conclusion of the incident or encounter;
- b. The officer has left the scene; or
- c. An on-scene supervisor has authorized the recording to cease; or
- d. It is apparent that the involved person(s) are refusing to cooperate unless recording ceases.

5. Notice of Recording

- a. With the exception of circumstances described in item #c, below, when an officer begins recording with his/her BWC, that officer shall notify the person(s) with whom they make initial contact that they are being audio and video recorded. This notification shall be given at the earliest practical time during the interaction.
- b. The primary officer is not required to make repeated notifications when other persons arrive at the scene. Backup officers with actively recording BWCs are not required to give additional notifications merely because an additional BWC is now recording.
  - i. Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence.
- c. Officers are authorized to withhold the above notification when, in their best judgment, making the notification would be unsafe, impossible, impractical, or if doing so would interfere with the officer's objective (e.g. questioning suspicious persons). Officers will justify and document their decision to withhold notification in an event report.
- d. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.

6. Category and Retention

- a. At the end of each shift, officers in the Pilot Phase utilizing BWCs shall identify each video by category. In the event a video is taken that does not fall into a listed category and has no apparent evidentiary or administrative value, the officer may leave the video as "Uncategorized".
  - i. Arrests
  - ii. Citizen Complaint



- iii. Critical Incidents
- iv. Evidence
- v. Firearm Discharge
- vi. Pursuits
- vii. Traffic Collisions
- viii. Training
- ix. Use of Force
- x. Uncategorized

## VI. **ROLES AND RESPONSIBILITIES**

### 1. Officer Responsibility

- a. Officers will be responsible for their assigned BWC.
- b. Officers must report any problem with the BWC to their supervisor immediately.
- c. At the conclusion of each work shift, officers must “dock” their BWC at the designated location to upload all data and to recharge the BWC battery. (Exception: In the event that an officer has been involved in a shooting, an in-custody death, or an incident resulting in the death or injury of another person, a supervisor will immediately take physical custody of the BWC and will be responsible for downloading the data).
- d. When a BWC recording exists related to any reportable event, officers shall state at the end of the written narrative that a BWC recording exists.
- e. Officers shall notify the BWC Manager by email whenever they have generated a BWC recording that should be retained indefinitely.
- f. Officers must notify the BWC Manager by email as soon as they receive a court date for which they will need an evidentiary BWC recording.

## 2. BWC Manager Responsibility

- a. The BWC Manager is responsible for ensuring adherence to this policy, and for the following specific items:
  - i. Marking recordings for indefinite retention;
  - ii. Producing copies of recordings in accord with this policy;
  - iii. Troubleshooting hardware and software problems;
  - iv. Randomly reviewing BWC recordings in accord with this policy;
  - v. Conducting automatic reviews of recordings consistent with this policy;
  - vi. Including a summary of the above in the Manager's monthly report to the BWC Committee; and
  - vii. Provide an annual review of the BWC program to include:
    1. Evaluation of officer compliance with policy;
    2. Successes;
    3. Problems identified and recommended solutions;
    4. Workload issues (for BWC manager and others);
    5. Software performance;
    6. Review of files on indefinite retention (delete? retain?);
    7. Space used and remaining on server; and
    8. Any anticipated problems or costs.
- b. The BWC Manager will notify the BWC Committee of the following by the next business day unless otherwise noted:
  - i. Hardware or software problems related to BWCs;
  - ii. Policy issues related to the use of BWCs ;
  - iii. Recordings that show outstanding performance, heroism, initiative, work beyond the call of duty, or other examples of excellence ;

- iv. Recordings that may be useful in training other officers or in coaching an officer to improve safety, knowledge or other performance ;
  - v. Criminal wrongdoing or serious misconduct discovered on a BWC recording (immediate notification).
3. Training and Education Division (TED) Responsibility
- a. TED is responsible for ensuring adherence to this policy, and for the following specific items:
    - i. Officers will be trained on this policy, the BWC hardware, and the BWC software before they will be permitted to use a BWC.

## VII. TEST PHASE

1. The Body-Worn Camera Committee shall review national, regional, and local experts regarding the following areas of concern:
  - a. Model & Specimen Policies
  - b. Reports & Studies
  - c. Legislation & Interpretations
  - d. General Litigation
  - e. Privacy Issues
  - f. Freedom of Information Requests & Litigation
  - g. Training Documents
  - h. Scholarly Articles
  - i. Disciplinary Actions
  - j. Eavesdropping / Wiretap Laws
2. The Body-Worn Camera Committee shall obtain for review and testing various BWCs to evaluate for use by the Department.

3. The Body-Worn Camera Committee shall determine the appropriate BWC hardware specifications needed by the Department in order to serve its mission and the goals of a Pilot Program.
4. The Body-Worn Camera Committee shall determine the appropriate BWC software requirements which would best integrate with the Department's existing and future software and hardware capabilities.
5. The Body-Worn Camera Committee shall determine the appropriate BWC accessory equipment needed to implement a BWC Pilot Program.
6. The Body-Worn Camera Committee shall determine the appropriate BWC storage solutions compatible with existing and future software and hardware capabilities.
7. The Body-Worn Camera Committee, in coordination with the Office of the Chief, will identify PGPD Departmental members who will be assigned BWCs.
8. The Body-Worn Camera Committee, in coordination with the Office of the Chief, will identify PGPD Departmental members who will be assigned to the Control Group.

#### **VIII. PILOT PHASE**

1. The Chief shall announce a date certain when the Department moves from the Test Phase to the Pilot Phase.
2. The end date for this Pilot Program will be determined in coordination with the Body-Worn Camera Committee and the Office of the Chief.
3. During the Pilot Phase, officers issued BWCs will conduct normal operations and will deploy BWCs as per this document and as trained by TED.
4. The Body-Worn Camera Committee shall track both the Pilot and the Control Groups throughout the Pilot Program.
5. At the end of this Pilot Program, the Body-Worn Camera Committee will issue a report to chronicle the following information:
  - a. Number of Officers trained on the BWC systems and procedures
  - b. Number of calls to IT / BWC Manager by month and type
  - c. Technical / operational issues identified by BWC Manager / support staff

- d. Number of requests for video downloads for review
  - e. Officer satisfaction with operation / technical aspects of BWCs
  - f. Assessment Factors of BWC Pilot Program (list is not exclusive):
    - i. Pilot Group vs. Control Group comparisons:
      - a. officer perception of safety
      - b. officer perception of less aggressive / confrontational behavior in people with whom officers interacted
      - c. number of complaints against officers
      - d. uses of force
      - e. number of complaints found to be unsubstantiated or withdrawn
      - f. number of officers exonerated
    - ii. increased public awareness of BWCs
    - iii. officer perception that training was useful / relevant
    - iv. increased public perception of police accountability
    - v. media reports on this Pilot Program
    - vi. BWCs perceived as valuable / beneficial by officers, prosecutors / defense bar / judges.
6. At the end of this Pilot Program, should the Body-Worn Camera Pilot Program prove to the PGPD that a further investment in BWCs is desirable, the Body-Worn Camera Committee, in collaboration with the appropriate Departmental divisions and sections, will spearhead the following deliverables:
- a. Proposed General Order and/or SOPs regarding BWCs
  - b. Proposed training and documentation / reference guides
  - c. Proposed processes within the Department for the ongoing operation and maintenance of BWCs
  - d. Parameters for the establishment of a separate BWC Unit which will support the ongoing operation and maintenance of BWCs
  - e. Proposed practices for the storage, archiving and retrieval of BWC videos, as well as the dissemination of requested videos for prosecutorial purposes and in responses to MPIA requests.

**APPENDIX B:**  
CALEA Proposed Language for In-Car and Body Worn  
Cameras  
Standard 41.3.8

41.3.8 If the agency employs in-car and/or body-worn cameras, a written directive includes:

- a) Policy statement on purpose and organization philosophy regarding use;
- b) Requirements and restrictions for activation and deactivation of the device;
- c) Criminal and administrative use of camera captured data;
- d) Data storage and retention requirements;
- e) Equipment maintenance and inspection procedures;
- f) Training requirements for users and supervisors; and
- g) Requirements for documented review of camera captured data including frequency and quantity.

**Commentary:** The use of body-worn audio/video recording devices within the general operational police environment provides a potentially valuable resource for law enforcement agencies in the delivery of services. Additionally, information collected through this technology can be critical in the investigation of criminal incidents and complaints against employees. Quasi-experimental research in some agencies has shown reductions in uses of force and citizen complaints when these devices are employed appropriately, with proper direction and management.

It is important for agencies to consider the legal and privacy implications regarding the use of audio/video recording devices, as some state/provincial codes require dual awareness for recordings of this type to occur. This agency consideration must include the awareness of and compliance with applicable public records laws, including Freedom of Information Act provisions in effect in the agency's jurisdiction. Furthermore, the establishment of policy is critical to recognize enhanced organizational credibility that can be accomplished through the deployment. It is also critical to develop data review practices to prevent claims of negligent supervision, as well as confirm schedules of data retention. Organization consistency in the application of destruction procedures is important for legal considerations and community trust.

It is recommended that prosecutors be included in the development of policies related to the recording and retention of criminal investigations related activities. Training should be included for officers to ensure an understanding of the organization's philosophy on the use of recording devices, including limitations involving special circumstances, such as contacts with juveniles or other agency employees. Agency managers should consider employment contract issues impacted by the use of the devices and ensure clear messaging with relevant representatives.

**APPENDIX C:**  
Body-Worn Camera Vendors' Proposed Specifications  
Comparison Chart



|               | Wolfcom - Vision | Wolfcom - 3rd Eye | Taser - Axon Flex | Taser - Axon Body | Viewu - LE3 | WatchGuard - Vista   | Panasonic | Eye3 Video | DigitalAlly - FirstVu |
|---------------|------------------|-------------------|-------------------|-------------------|-------------|--|-----------|------------|-----------------------|
| <b>Price:</b> | \$249            | \$475             | \$599             | \$399             | \$899       | - \$795 - Standard Capacity<br>- \$895 - Extended Capacity | \$1,000   | \$325      | \$695                 |

## **HARDWARE SPECS**

|   | Wolfcom - Vision   | Wolfcom - 3rd Eye    | Taser - Axon Flex        | Taser - Axon Body      | Viewu - LE3       | WatchGuard - Vista  | Panasonic                                    | Eye3 Video | DigitalAlly - FirstVu                    |
|---|--------------------|----------------------|--------------------------|------------------------|-------------------|---|--|------------|--|
| <b>Dimensions (HxWxL)</b>               | 2.9" x 1.5" x 0.6" | 3.75" x 2.35" x 1.2" | Unit:3.3" x 2.6" x 0.76" | 3.3" x 2.6" x 0.8"     | 3" x 2.1" x 0.85" | - 3.06"H x 1.87"W x 0.87"D<br>- 3.06"H x 1.87"W x 1.08"D                                      | 3.30(H) x 2.53/2.41(W) x 1.02/0.83(T) [inch] |            | 1.5" x 1.0" x 1.125"                     |
| <b>Weight</b>                           | 2.2oz              | 5.5 oz               | 3.845 oz                 | 3.6 oz                 | 2.8 oz            | - 4.25oz<br>- 5.30oz  | Less than 130g                               |            | .8 oz Body Camera ;<br>3.1 oz controller |
| <b>Drop Test</b>                        | 6 Feet             | 6 Feet               | 6 Feet                   | 6 Feet                 | 10 Feet           | 6 Feet  | Yes  |            | 6 feet                                   |
| <b>Waterproof Rating</b>                | IPX4               | IPX3                 | IPX2                     | IPX5                   | IPX5              | Weatherproof -<br>Testing for IP65 & IP66   | Yes  |            | IPX5                                     |
| <b>Rotatable Lens</b>                   | Yes                | No                   | No                       | No                     | No                | Yes - 28° Vertical  | No   |            |  |
| <b>Public Awareness Indicator Light</b> | Yes                | No                   | No                       | No                     | No                | Yes - Green Light for Power & Red Light for Record. Can be disabled by placing in Covert Mode | No   |            | Yes                                      |
| <b>Wide Angle Lens</b>                  | 120°               | 120°                 | 75°                      | 130°                   | 68°               | 130°  | Yes (H:130degree V:73degree)                 |            | 130°                                     |
| <b>Memory</b>                           | 32 GB              | 32 GB                | 8 GB                     | 8 GB                   | 16 GB             | 32 GB   | 32GB   | 16 GB      | 32GB                                     |
| <b>LCD Screen</b>                       | No                 | Yes - 2"             | No                       | No                     | No                | Backlit LCD Screen for camera status and Event Categorization                                 | No   |            |  |
| <b>Battery Life</b>                     | 2.5 Hours          | 6 Hours              | 12+ Hours <sup>1</sup>   | 12+ Hours <sup>1</sup> | 4 Hours           | - 6-Hour Continuous HD<br>- 9-Hour Continuous HD  | 8 Hours                                      |            | 12 Hours (Field changeable batteries)    |
| <b>Optional extended battery</b>        | Yes                | No                   | No                       | No                     | No                | Two VISTA Models Exist:<br>(1) Standard Capacity  | Yes  |            | Yes (2x battery life)                    |

|                        |                  |                   |                   |                   |             | (2) Extended Capacity               |           |            |                                  |
|------------------------|------------------|-------------------|-------------------|-------------------|-------------|-------------------------------------|-----------|------------|----------------------------------|
|                        | Wolfcom - Vision | Wolfcom - 3rd Eye | Taser - Axon Flex | Taser - Axon Body | Viewu - LE3 | WatchGuard - Vista                  | Panasonic | Eye3 Video | DigitalAlly - FirstVu            |
| HDMI Output            | No               | Yes               | No                | No                | No          | No                                  | No        |            |                                  |
| TV Out                 | Yes              | Yes               | No                | No                | No          | No                                  | No        |            |                                  |
| 2 Way Radio Compatible | No               | Yes               | No                | No                | No          | No                                  | No        |            |                                  |
| Warranty               | 1 Year           | 1 Year            | 1 Year            | 1 Year            | 90 Days     | 1 Year. Can be extended to 3 years. | Yes       |            | 1 year stand. (\$195 for 2 year) |

## VIDEO & AUDIO

|                             | Wolfcom - Vision         | Wolfcom - 3rd Eye        | Taser - Axon Flex | Taser - Axon Body | Viewu - LE3 | WatchGuard - Vista   | Panasonic                                  | Eye3 Video | DigitalAlly - FirstVu              |
|-----------------------------|--------------------------|--------------------------|-------------------|-------------------|-------------|--|--|------------|------------------------------------|
| Can Take Video?             | Yes                      | Yes                      | Yes               | Yes               | Yes         | Yes  | Yes  |            | Yes                                |
| Video Resolution            | 1080p to 640x480         | 1080p to 848x480         | 640x480           | 640x480           | 720p        | 720p HD or 480p SD   | 720p /360p                                 |            | 720p or 640x480 adjustable         |
| Video Format                | MPEG4 and .MOV           | .MOV                     | MPEG 4            | MPEG 4            |             | H.264  | Proprietary format, H.264 High Compression |            | AVI                                |
| Frame Rate (FPS)            | 60,30 FPS                | 60,30 FPS                | 30 FPS            | 30 FPS            | 30 FPS      | 30FPS  | 30fps                                      |            | 5, 10, 15, or 30 adjustable        |
| 16:9 Aspect Ratio           | 16:9 Ratio               | 16:9 Ratio               | 4:8 Ratio         | 4:8 Ratio         | 16:9 Ratio  | Yes  | Yes  |            |                                    |
| Takes Digital Photos?       | Yes                      | Yes                      | No                | No                | No          | No. Photos / Still Images can be captured in back office software after video is uploaded. | Yes  |            | Still image/screenshot in software |
| Photo Resolution            | Yes - 16 to 5 Megapixels | Yes - 16 to 5 Megapixels | No                | No                | No          | No   | 1280 x 720 pixel / 640 X 360 pixel         |            |                                    |
| Digital Zoom                | No                       | Yes                      | No                | No                | No          | No   | No   |            |                                    |
| Camera Flash                | Yes                      | No                       | No                | No                | No          | No   | No   |            |                                    |
| Audio Mute during Recording | Yes                      | Yes                      | No                | No                | No          | No   | Yes  |            | Yes (configurable)                 |
| Pre-Record Video            | Yes                      | No                       | Yes               | Yes               | No          | Yes  | Yes, 30sec max                             |            | Yes; adjustable up to 60 seconds   |
| Pre-Record Audio            | On / Off                 | No                       | No Audio          | No Audio          | No          | Configurable   | Yes, 30sec max                             |            | Optional                           |

## FEATURES

|                             | Wolfcom - Vision               | Wolfcom - 3rd Eye | Taser - Axon Flex      | Taser - Axon Body      | Viewu - LE3 | WatchGuard - Vista   | Panasonic   | Eye3 Video | DigitalAlly - FirstVu |
|-----------------------------|--------------------------------|-------------------|------------------------|------------------------|-------------|--|---|------------|-----------------------|
| <b>Night Vision</b>         | Available with external camera | Yes               | No                     | No                     | No          | No. VISTA uses Ultra-Wide Dynamic Range technology for optimal low light recording.        | No, but does include low lux                                    |            | 0.08 Lux              |
| <b>Flashlight</b>           | Yes                            | No                | No                     | No                     | No          | No   | No  |            |                       |
| <b>In Car Camera</b>        | Yes                            | Yes               | No                     | No                     | Yes         | Yes  | Full integration with Arbitrator 360 HD In-Car Video            |            | Yes                   |
| <b>One Touch Record</b>     | Yes                            | Yes               | No                     | No                     | Yes         | Yes  | Yes   |            | Yes                   |
| <b>One Touch Photo</b>      | Yes                            | Yes               | No                     | No                     | No          | No. Photos / Still Images can be captured in back office software after video is uploaded. | Yes   |            |                       |
| <b>Capture Badge Number</b> | Yes                            | Yes               | No                     | No                     | No          | Yes  | No, not as stand alone device. Yes, with BES or Client software |            |                       |
| <b>Time/Date Stamp</b>      | Yes                            | Yes               | Yes                    | Yes                    | Yes         | Yes  | Yes   |            | Yes                   |
| <b>Instant Playback</b>     | Yes - with Mobile App          | Yes               | Yes - with Smart phone | Yes - with Smart phone | No          | Yes - with Evidence Library Express Mobile App.  | Yes   |            | Yes (With smartphone) |
| <b>Instant File Tagging</b> | Yes                            | Yes               | Yes                    | Yes                    | No          | Yes. Event Tagging can be done on the backlit LCD screen.                                  | Yes   |            | Yes                   |
| <b>Screen Capture</b>       | No                             | Yes               | Possible               | Possible               | No          | Yes. Screenshots can be taken within the Evidence Library software.                        | No  |            | Yes                   |
| <b>Password Protection</b>  | Yes                            | Yes               | No                     | No                     | No          | Yes. Access to the back office application is password protected by user accounts          | Yes   |            | Yes                   |

|                             | <b>Wolfcom - Vision</b> | <b>Wolfcom - 3rd Eye</b> | <b>Taser - Axon Flex</b> | <b>Taser - Axon Body</b> | <b>Viewu - LE3</b> | <b>WatchGuard - Vista</b>   | <b>Panasonic</b> | <b>Eye3 Video</b> | <b>DigitalAlly - FirstVu</b>           |
|-----------------------------|-------------------------|--------------------------|--------------------------|--------------------------|--------------------|---|------------------|-------------------|--|
| <b>Recharge Time</b>        | 2.5 Hours               | 4 Hours                  | 6 Hours                  | 6 Hours                  | 3 Hours            | 3 Hours   | 3 Hours          |                   | 3.5 hours (Field changeable swappable) |
| <b>GPS Location Tagging</b> | Yes                     | Yes                      | Possible                 | Possible                 | No                 | No  | Yes              |                   | Optional                               |
| <b>GPS Time Sync</b>        | Yes                     | Yes                      | No                       | No                       | No                 | No. Time is synced through the PC when VISTA is placed in the USB dock. | Yes              |                   |  |
| <b>Time Zone</b>            | World wide              | World wide               | N/A                      | N/A                      | GMT or local time  | Configurable to local time zone.  | Yes              |                   | Yes                                    |
| <b>Visual Confirmation</b>  | Yes                     | Yes                      | Yes                      | Yes                      | Yes                | Yes   | No               |                   | Yes                                    |
| <b>Vibration Alert</b>      | Yes                     | No                       | N/A                      | N/A                      | No                 | Yes   | Yes              |                   | Yes                                    |
| <b>Audible Alert</b>        | Yes                     | Yes                      | Yes                      | Yes                      | No                 | Yes   | No               |                   | No                                     |
| <b>Docking Station</b>      | Yes                     | No                       | Yes                      | Yes                      | No                 | Yes   | Yes              |                   | Yes                                    |
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