



GENERAL ORDER ADM-31 BODY WORN CAMERAS

EFFECTIVE AUGUST 11, 2022

This General Order contains the following numbered sections:

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I. POLICY

In compliance with the Maryland Police Accountability Act of 2021, it is the policy of the Howard County Police Department (HCPD) to utilize body worn cameras (BWC) to document interactions that occur between officers and the public.¹

While BWCs provide an independent witness to interactions, it is important to note that the recording is the limited visual perspective of the camera and may differ from that of the officer and witnesses.²

II. AUTHORITY

- A. The Maryland Annotated Code, Courts and Judicial Proceedings § 10-402, makes it lawful for a law enforcement officer, in the course of the officer's regular duty, to intercept an oral communication with a body worn digital recording device capable of recording video and oral communication if:
 - 1. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;
 - 2. The law enforcement officer is making reasonable efforts to conform to policy issued by the Maryland Police Training and Standards Commission as established under § 3-511 of the Public Safety Article for the use of body worn digital recording devices;
 - 3. The law enforcement officer is a party to the oral communication;
 - 4. The law enforcement officer notifies, as soon as is practicable, that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
 - 5. The oral interception is being made as part of a videotape or digital recording.
- B. Members of the HCPD are authorized to wear and utilize BWC in the course of their duties as detailed in this General Order.

¹ CALEA 41.3.8a

² CALEA 41.3.8a

III. DEFINITIONS

- A. Activation: Recording of both audio and video by switching the BWC to Event Mode.
- B. Accidental Activation: Recordings that are the result of an accidental recording and for which a request for deletion may be made.
- C. Body Worn Camera (BWC): A device worn on the person of a law enforcement officer that is capable of recording video, intercepting oral communications, and temporarily storing digital media.
- D. Body Worn Camera Division: The division assigned to oversee the operational and administrative functions of the HCPD Body Worn Camera Program. The BWC Division is also responsible for coordinating BWC equipment maintenance, repairs, and replacement.³
 - 1. Body Worn Camera Administrator: The Commander of the Body Worn Camera Division shall serve as the Program Administrator. In the absence of the BWC Division Commander, the Professional Standards Bureau Commander shall assume the duties of Program Administrator or designate the acting Administrator.
 - 2. BWC Technical Support Specialists: Sworn officers assigned to the BWC Division who are trained in and responsible for BWC technical support.
- E. Deactivation: Any manual stops of active recording an event and returning the BWC to Ready (Buffering) Mode.
- F. Digital/BWC Management Administrative Analyst: Civilian members assigned to the Information Management Division, Digital/BWC Management Section. These members are trained in and responsible for preparing BWC recordings for release in response to Public Information Act (PIA) requests, subpoenas, etc.
- G. Digital record: Any record of a digital file from an electronic source. This includes video, audio, photographic, and its associated metadata.
- H. Dock: A BWC charging and data transfer unit.
- I. End of Shift: The conclusion of a continuous period the Officer has been in on-duty status.
- J. Evidence.com: A cloud-based storage system used to store all BWC recordings.
- K. Mode: The operational status of a BWC.
 - 1. Event Mode: The mode during which the BWC is actively capturing and storing video and audio recordings. When Event Mode is activated, the video recording captured during Ready (Buffering) Mode is automatically attached to the beginning of the Event Mode recording.
 - 2. Mute Mode: Disables the audio of the recording.
 - 3. Ready (Buffering) Mode: the mode during which the BWC is continuously but temporarily storing 60 seconds of video with no audio. Ready (buffering) mode video is appended to a permanently stored recording with audio upon activation of Event Mode.
 - 4. Sleep Mode: An alternative to powering off the camera that puts the BWC in an idle state that disables recording and buffering and disables activation by an Axon Signal device.

³ CALEA 41.3.8e

- L. Pool Camera: BWC maintained for use by officers who do not have their assigned cameras with them and/or operationally ready.
- M. Tour of Duty: The continuous period of time an Officer is operating in on-duty status.
- N. Types of recordings
 - 1. Accidental: Recordings that are the result of an accidental activation and for which a request for deletion may be made.
 - 2. Evidentiary: Recordings that can be used in an investigation.
 - 3. Non-evidentiary: Recordings that do not contain evidence or are not part of an investigation.
 - 4. Training: Recordings of training activities approved by the Education and Training Division.

IV. WEARING OF BODY WORN CAMERAS

- A. BWC shall be worn by uniformed sworn members who are issued a BWC.
 - 1. If an officer is issued a BWC, it shall be worn at all times while on duty and in the uniform of the day, including uniformed overtime. Exceptions are when officers are in the Class A uniform, training uniform, or plain clothes assignment.
 - 2. Officers shall wear their assigned BWC while off-duty and in uniform when they may be required to revert to on-duty status.
 - 3. Officers participating in a Uniformed Police Services Detail (UPSD) shall wear and utilize their BWC.
 - 4. Members of the Tactical Section shall be exempt from wearing an issued helmet-mounted BWC when operating in uniformed assignment.
- B. All officers involved in the execution of a search and seizure warrant who are issued a BWC, including those officers in a plain-clothes assignment, shall wear the BWC and operate it consistent with the guidelines detailed in this policy.
 - 1. The BWC shall be affixed to the outermost garment, i.e. the winter coat, external vest carrier, or raid vest.
 - 2. The BWC shall remain fully activated for the duration of the operation unless it is turned off or muted for one of the exceptions detailed in this General Order.
- C. Officers participating in Federal task forces will follow the applicable Federal Law Enforcement Agency guidelines or the guidance in a fully executed Memorandum of Understanding (MOU) for BWC usage while conducting Federal task force operations and investigations.
- D. The BWC Division is responsible for providing training to all sworn personnel issued a BWC. Officers and supervisors will be trained and maintain proficiency in all aspects of using BWC, to include activation of the camera, viewing footage, uploading data, tagging and categorizing videos, and report writing when BWC footage is included.⁴
- E. Officers may only wear HCPD-issued BWCs and mounts consistent with Departmental training, and are strictly prohibited from tampering with, dismantling, or modifying any component of the

⁴ CALEA 41.3.8f
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BWC.

1. The BWC shall not be utilized off-body as a covert surveillance tool or audio recording device when and where there is a recognized expectation of privacy under the 4th amendment.
 2. The BWC shall never be utilized for personal use.
- F. Officers shall ensure their BWC is charged each shift and shall monitor battery indicators while utilizing the BWC.

V. GENERAL OPERATIONAL PROCEDURES

A. Activation and recording with the BWC

1. Officers will inspect and test their assigned BWC prior to each shift or assignment to verify it is functioning properly and the battery is sufficiently charged.⁵
 - a. Equipment malfunctions shall be immediately brought to the attention of the officer's supervisor and the appropriate BWC Technical Support Specialist.
 - b. Officers will turn in malfunctioning BWC to a BWC Technical Support Specialist and receive a replacement unit, if one is available, from the supply of Pool Cameras to use until the original equipment is repaired or replaced.
2. The BWC shall be powered on Ready (Buffering) Mode at all times while worn.
 - a. Officers are permitted to put the BWC in Sleep Mode in situations where personal privacy is a concern, i.e. in the restroom or locker room.
 - b. Officers shall ensure the BWC is returned to Ready (Buffering) Mode at the earliest opportunity.

B. Wearing the BWC

1. The BWC shall always be worn on the outermost garment, i.e. the external vest carrier, issued HCPD sweater or winter coat, etc. If an officer is required to wear the traffic vest, he shall ensure it does not obscure the BWC.
2. The BWC shall be worn on the center mass of the chest, or to the right or left of the center mass of the chest, of uniformed personnel.
3. Officers in plain clothes assignments may wear the BWC belt mount to the left or right of center of their belt buckle.
4. Tactical Section officers may utilize the issued helmet mount.
5. Officers shall not intentionally obscure the view of their BWC except in the limited instances outlined in this General Order.

C. Activation

1. If an officer's assigned car and handgun holster are equipped with automatic activation, the BWC will automatically switch to Event Mode when the officer activates the emergency equipment in the police vehicle, draws the firearm from its holster, or the Conducted Electric Weapon (CEW) is initiated and the trigger pulled. Officers shall not rely on automatic activation for the BWC and shall verify the equipment is in Event Mode

⁵ CALEA 41.3.8e

at the earliest opportunity.

2. Consistent with Departmental training, officers will only activate BWC for legitimate law enforcement purposes. Except for the limited exceptions stated in this General Order, officers shall ensure the BWC is activated upon arrival to calls for service and during all law enforcement-related encounters and activities that occur while on duty. Events during which the BWC shall be activated include but are not limited to:⁶
 - a. Calls for service in which contact is made with citizens;
 - b. Traffic stops;
 - c. Transporting a detainee;
 - d. Citizen transports, except Department-approved ride alongs;
 - e. Investigatory stops and field interviews;
 - f. Active involvement in vehicle and/or foot pursuits;
 - g. Arrests;
 - h. Searches of any kind, except strip and body cavity searches consistent with this General Order;
 - i. Seizures of any kind;
 - j. Request for consent to search;
 - k. Miranda warnings and response from in-custody suspects;
 - l. Statements made by citizens relevant to an incident and suspects;
 - m. K-9 searches;
 - n. Issuance of written violations; and
 - o. Any other incidents the officer reasonably believes should be recorded for law enforcement purposes, including any situation an officer believes may result in a use of force.
3. Officers may place their BWC in mute mode when on a scene and discussing operational considerations, i.e. tactical planning, discussing investigative strategies or options for handling a call for service, potential charges against a suspect, etc., with other Departmental personnel and no members of the public are present.
 - a. Prior to muting the BWC, the officer must give a verbal explanation for why the camera is being muted and document the muting of the BWC in their report or supplement.
 - b. The camera must be unmuted at the earliest opportunity and before taking any operational action or engaging with citizens.
4. If the officer is unable to activate the BWC consistent with training, the BWC will be turned on as soon as safely possible. The reason for the delayed activation shall be documented in the incident report.

⁶ CALEA 41.3.8b
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5. If an officer fails to activate the BWC and fails to document the entire incident on the BWC, or the BWC fails to function, the officer shall document the reason for doing so in the incident report or in CAD if no report is written.

D. Notification

1. Officers shall inform citizens that they are being recorded at the beginning of the contact or as soon as safely possible, consistent with training.
2. This provision is satisfied even if additional individuals become party to the communication after the initial notice has been provided.
3. Additional officers responding to a call or incident will activate their BWC upon arrival without needing to provide notification.
4. Every effort should be made to provide language assistance to citizens who are limited- or non-English proficient to understand that they are being recorded. Refer to General Order OPS-19, Limited English Proficiency, for additional guidance.

E. Victim and Citizen Requests

1. Generally, officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to investigation, arrest, lawful search, or the circumstances clearly indicate that continued recording is necessary.
 - a. Officers should continue to evaluate the situation and honor the citizen's request if and when appropriate.
 - b. The request to turn off the BWC and the officer's response should be recorded.
2. Officers should be aware that victims of crimes, particularly domestic violence and sexual assault, may be hesitant to provide details while being recorded.
 - a. If the victim is unwilling to proceed, the officer may turn off the BWC.
 - b. The officer should state they are deactivating the BWC at the request of the victim/witness prior to turning it off, and this shall be documented in the written report.
3. Witnesses and community members who wish to discuss criminal activity may be hesitant to provide statements while being recorded. Officers should make every effort to record unless the person is unwilling to speak on camera.
 - a. If the community member consents, officers may agree to obscure the lens but continue audio recording.
 - b. If the witness or community member is still unwilling, the officer may stop all recording to obtain the information. The officer shall state they are deactivating the BWC at the request of the victim/witness prior to turning the BWC off, and this shall be documented in the written report.

F. Deactivation

1. Except as otherwise provided in this General Order, an officer who activates a BWC for a law enforcement purpose shall not intentionally deactivate it without a clear investigative purpose and shall document the reason in the written report.

2. Deactivation of the BWC shall occur when:⁷
 - a. The officer has left the scene and anticipates no further involvement in the event.
 - b. The event has concluded and/or all persons involved have been interviewed, released, arrested, transported, and/or turned over to the appropriate party.
 - c. Officer contact with the victim and/or witness has concluded.
 - d. At the authorization or direction of a supervisor. The officer will document the reason for the order and who gave it in his written report.
 - e. No further law enforcement action is likely to occur.

VI. SPECIAL CIRCUMSTANCES AND PROTECTED AREAS

- A. Consistent with training, recording will not take place within areas where there is a reasonable expectation of privacy recognized by the Fourth Amendment unless
 1. Officers are involved in the execution of a search and seizure warrant; or
 2. Officers are involved in the execution of an arrest warrant; or
 3. Exigent circumstances exist; or
 4. Officers are legally on the premises; or
 5. The resident or other authorized person gives permission.
- B. Officers shall not activate the BWC in a courtroom unless the officer is given permission by the presiding judge or is taking official law enforcement action in the courtroom.
- C. BWCs shall not be used to record:
 1. Encounters with undercover officers or informants.
 2. When an officer is on a break or otherwise engaged in personal activities.
 3. While performing routine administrative tasks, line-ups, or briefings.
 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
 5. Any strip or body cavity search.
- D. When responding to hospitals or other medical facilities, officers should:
 1. Refrain from activating the camera until necessary for an investigation or other law enforcement purposes.
 2. To the extent possible, avoid recording staff and persons other than the involved parties.
 3. To the extent possible, avoid recording medical or psychological treatment or evaluations by medical professionals unless related to the call for service, i.e. blood draws for DUI purposes, combative persons, etc.

⁷ CALEA 41.3.8b
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- E. When responding to K through 12 educational institutions, officers should:
 - 1. Refrain from activating the camera unless necessary for law enforcement purposes.
 - 2. To the extent possible, attempt to avoid recording staff and persons other than the involved parties.
 - 3. To the extent possible, attempt to avoid recording educational activities.

VII. ADMINISTRATIVE PROCEDURES

- A. Officers will obtain an Incident Report (IR) number any time the BWC is activated, regardless if the situation results in a written report or no report.
 - 1. If the incident results in a written report, it will be noted on the Incident Report Face Sheet, HCPD Form 1220, that there is BWC footage of the incident.
 - 2. If the incident results in an NR, a notation shall be made in CAD that there is BWC footage.
- B. Officers are required to tag BWC footage with the appropriate IR number and with any other required fields, as per training. Officers should ensure all BWC tagging has been captured accurately prior to video upload.
- C. Officers shall ensure their BWC is charged each shift and are required to dock the BWC and upload all footage to evidence.com, a cloud-based storage system:⁸
 - 1. At least once per tour of duty for members assigned to Patrol, Pathway Patrol, Neighborhood Community Resource Officers, Community Outreach, and School Resource Officers;
 - 2. After the service of a search warrant;
 - 3. By the end of the shift for any video containing evidence or investigation of a Part 1 crime; or
 - 4. Whenever instructed to by a Supervisor.
- D. If an officer is issued a BWC but for some reason is unable to wear the camera for his shift, i.e. the camera is malfunctioning, and a Pool Camera is not available:
 - 1. The officer shall notify his Supervisor at the start of the shift, or at the earliest opportunity if the BWC becomes non-functioning during the shift.
 - 2. The officer shall note in any written reports that there is no BWC available and state the reason.

VIII. ACCESS, REVIEW, AND USE OF RECORDINGS⁹

- A. All recordings made on HCPD-issued BWC are the property of HCPD.
- B. BWC recordings may be utilized by the Department for HCPD education and training purposes with approval of the BWC Division Commander providing the case has been adjudicated, there is not a litigation hold, and there is currently not an active internal investigation.

⁸ CALEA 41.3.8d

⁹ CALEA 41.3.8c

- C. Recordings have the potential to be evidence in criminal procedures and should be treated in accordance with General Order ADM-49, Property and Evidence Control.¹⁰
- D. Because BWC cannot always show the full story and an officer's body may inadvertently obstruct the view of the camera at times, they are not intended to replace careful investigation and detailed report writing.
 - 1. Officers are encouraged to articulate not only what happened but also why they took the actions they did and use the BWC footage as a supplement to and not replacement of a fully documented report.
 - 2. BWC footage of an incident or scene does not preclude utilizing the Crime Scene Unit for photographs, evidence collection, etc. as required in HCPD policies and procedures.
- E. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner any BWC image or recording.
- F. Officers may review their own video footage to:
 - 1. Write an incident report. Officers may also view the footage captured by additional officers on the scene.
 - 2. Prepare for court.
 - 3. Critique their own performance.
 - 4. Support other legitimate law enforcement investigations.
- G. When an officer shoots or seriously injures another person or is involved in an in-custody death:
 - 1. The camera assigned to that officer and all other officers on scene at the time of the incident will be turned over to a Major Crimes Bureau supervisor arriving on the scene.
 - a. At no time will a BWC be taken in the presence of a suspect, witness, or members of the media.
 - b. The BWC Coordinator or his designee will be responsible for downloading and tagging the video and confirming that the video is secure, after which he will return the assigned BWC to the officer.
 - 2. The officer may review their BWC recording related to the incident prior to completing and submitting any required reports and/or being interviewed by the appropriate investigative unit.
- H. The immediate supervisor must review the BWC recordings of an officer when:
 - 1. There is an incident resulting in an officer writing a use of force report when the use of force is captured on the BWC except in cases where CIB has assumed the investigation; or
 - 2. The member alerts the supervisor that he has reason to believe the event may result in a complaint or a complaint has been received.
- I. Axon Respond
 - 1. Axon Respond allows members with permissions to view officer locations on a map and view live streams in real time when the BWC is activated in Event Mode. It does not

¹⁰ CALEA 41.3.8c
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permit BWC to be pinged for GPS data or to remotely activate Event Mode.

2. Commanders have system permissions to view live streams from BWC that are activated in Event Mode for the purpose of operational real-time situational awareness and officer safety during critical incidents which may include but not be limited to:
 - a. Signal device activation;
 - b. An ongoing critical incident;
 - c. An active assailant incident;
 - d. A hostage or barricade situation;
 - e. Determining the safety status of an officer. Such as when the officer is not answering on the radio or when radio communication is neither safe nor practical; and
 - f. When the officer requests his BWC footage be streamed.

- J. Video and audio footage may be viewed for legitimate law enforcement, administrative, and litigation purposes by authorized members:¹¹
 1. Members of the Body Worn Camera Division;
 2. Any commissioned officer involved in a review of the incident;
 3. The Criminal Investigations Command;
 4. The Education and Training Division;
 5. Field Training Officers when reviewing performance with their assigned recruit officer;
 6. The Internal Affairs Division;
 7. The Public Information Office;
 8. The Information Management Division;
 9. The Commander of the Professional Standards Bureau;
 10. The Commander of the Quality Assurance Division and members of the Staff Inspection Section;
 11. The Howard County Office of Law and State's Attorney's Office; and
 12. Anyone otherwise approved by the Chief of Police.

- K. BWC recordings of First Amendment activities such as rallies or protests shall not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.

- L. Video and audio footage will not be used to create a database or pool of mug shots or as fillers in photo arrays.

NOTE: This does not prohibit the HCPD from reviewing footage when there is reason to believe a

¹¹ CALEA 41.3.8c

specific suspect, person of interest, or person in need of assistance may be a subject in a particular recording.

M. BWC Compliance Reviews¹²

1. Watch Commanders or Division Commanders shall utilize Axon Performance for BWC quality assurance reviews.
 - a. Watch Commanders will review at least one randomly selected video and the associated written report per squad each month. This review will be documented in the monthly Commander's report.
 - b. Division Commanders will review at least one randomly selected video and the associated written report per section each month. This review will be documented in the monthly Commander's report.
 - c. Reviews shall verify the camera is being worn and used correctly, uploads are being completed, written reports include BWC information, BWC footage is being appropriately tagged, and the guidelines in this General Order are being followed.
 - i. Any minor policy violations observed shall be addressed by the officer's Supervisor or Commander.
 - ii. Any major policy violations shall be forwarded through the chain of command to the Commander of the Professional Standards Bureau for review and possible referral to the Internal Affairs Division.
 - iii. Suspected criminal activity shall be forwarded through the chain of command to the Deputy Chief for Criminal Investigations Command for possible investigation by the appropriate Division.
2. The Staff Inspections Section shall conduct regular reviews of the BWC program, including the BWC Division and the Information Management Division, Digital/BWC Management Section, in accordance with General Order ADM-06, Quality Assurance and Staff Inspections.

IX. **RETENTION OF DATA**¹³

A. Retention Periods

1. Recordings will be kept for at least the minimum time required under all applicable laws, policies, and the defined legal retention schedule approved by the State Archives.
2. Retention periods may be extended when authorized by the Chief of Police, the Commander of the Professional Standards Bureau, or the BWC Program Administrator. Requests for extensions must be submitted in writing through the chain of command. The BWC administrator will forward approved requests to the Custodian of Records.
3. The Custodian of Records will make appropriate changes to retention upon receipt of a litigation hold from the Office of Law.

- B. HCPD shall retain at least one unedited, unredacted version of all BWC recordings for the minimum time prescribed for the events on the recording.

¹² CALEA 41.3.8g

¹³ CALEA 41.3.8d

1. Crimes against persons
 - a. Homicide or rape: 80 years.
 - b. All other person crimes: 10 years.
 - c. Cold case investigators should review any video with crimes against persons that are about to expire and may request to continue the retention.
 2. Crimes against property: 5 years.
 3. Crimes against society: 3 years and 4 months.
 4. Non-evidentiary videos: 3 years and 4 months.
 5. Traffic Stop Non-custodial and Traffic Stop Custodial: 3 years and 4 months.
- C. Requests for deletion of BWC recordings due to accidental activation of the BWC where the resulting footage has no investigatory or evidentiary value or the recording is of otherwise prohibited events shall be made in writing to the officer's supervisor by the end of the shift in which the recording was made by submitting HCPD Form 1280, Body Worn Camera Recording Deletion Request.
1. The BWC containing the footage under review shall be docked and the video uploaded.
 2. An endorsement shall be made by the Body Worn Camera Unit and forwarded to the BWC Administrator through the Chain of command.
 3. Only the Chief of Police, the Commander of the Professional Standards Bureau, or the BWC Program Administrator may authorize the deletion of video.

X. RECORDS REQUESTS AND RELEASE OF RECORDINGS

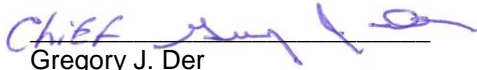
- A. All external requests for BWC footage must be made in writing. The request shall include the name and contact information of the requestor. The established fees must be submitted prior to the release of requested records if required.
1. The Custodian of Records shall make the final determination on releasing any BWC footage, consistent with the Maryland Public Information Act and other applicable State and Federal statutes and regulations.
 2. Consultation with the State's Attorney's Office should be a consideration before the release of BWC footage, but the final determination rests with the HCPD.
- B. The Digital/BWC Management Section of the Information Management Division has primary responsibility for the proper review, redaction, control, maintenance, retrieval, and distribution of BWC footage.
1. Should a member of the Digital/BWC Management Section during the course of their duties observe what they believe to be a violation by a member of the HCPD of HCPD policy or any law, they shall notify their Supervisor.
 2. If after reviewing the video in question the Supervisor agrees a potential violation of policy or law has occurred, they shall notify the Manager of the Information Management Division who will review the video and make a final decision on whether to notify the Commander of the Professional Standards Bureau.

3. If the Commander of the Professional Standards Bureau is notified, he shall determine if the violation on the video under review should be forwarded to:¹⁴
 - a. The Supervisor or Commander of the member observed in the video for minor policy infractions or training issues that should be addressed; or
 - b. The Internal Affairs Division for serious policy violations or; or
 - c. The Deputy Chief for Criminal Investigations Command for potential criminal infractions that should be investigated.
- C. BWC footage shall be made public consistent with the mandates of the Maryland Public Information Act and other applicable laws.

XI. CANCELLATION

This General Order cancels and replaces ADM-31, Body Worn Cameras, dated May 23, 2022.

AUTHORITY:



Gregory J. Der
Chief of Police