



# BODY WORN CAMERAS

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## **I. POLICY**

It is the department's policy and practice to utilize Body Worn Cameras (BWCs) for the purpose of strengthening police accountability; promoting de-escalation by both law enforcement officers and those they encounter; enhancing the ability to resolve officer-involved incidents and complaints; improving transparency; identifying and correcting internal agency training, policy and other issues; strengthening officer performance and safety; and increasing community safety.

Violations of this policy may result in disciplinary action.

## **II. PURPOSE**

The purpose of this policy is to provide officers with the guidelines for use, management, storage, and retrieval of the audio-visual media recorded by the Body Worn Camera equipment.

The body worn camera system is a point-of-view style recording system designed to approximate the vantage point of the recording officer. The BWC system has limitations. For example, BWC systems do not necessarily capture everything that is occurring during an incident (e.g. slight movements or indicators of resistance by a subject, things that cannot be seen or heard by the officer or the BWC system, statements that were not recorded due to policy, etc.). Conversely, in some cases, a BWC system may record images or audio that were not or could not be seen, heard or

perceived by the officer. BWC systems do not record or analyze physiological or biometric data of the officer wearing the camera and cannot determine an officer's or any other individual's state of mind. BWC system video and audio alone cannot determine the officer's situational awareness and perception of what is taking place during an incident or interaction.

### **III. DEFINITIONS**

- A. Axon Signal: Proprietary technology allowing for the BWC to activate Event Mode recording when alerted by Axon Signal products. The physical range of Axon Signal BWC activation varies depending on Axon Signal device model and environmental factors.
- B. Body Worn Camera: A camera system on the person of a uniformed law enforcement officer, or an officer prominently displaying the officer's badge or other insignia, that is capable of recording video and intercepting oral communications.
- C. Body Worn Camera Information System Specialists: Individuals assigned to the Technology Section trained and responsible for BWC and digital evidence management system configuration and technical support.
- D. Body Worn Camera Program Specialists: Individuals assigned to the Central Records Section trained and responsible for preparing BWC recordings for release in response to Public Information Act requests, subpoenas, etc.; including redacting images and audio as required by law. Body Worn Camera Program Specialists are also responsible for sharing BWC recordings with the State's Attorney's Office and the United States Attorney's Office for the purposes of criminal prosecutions.
- E. Body Worn Camera Quality Assurance Officer: Sworn police officer assigned to the Office of Professional Standards Staff Inspections Unit responsible for monitoring the BWC program to ensure policies and procedures are being followed.
- F. Event Mode: The mode during which the BWC is actively capturing and storing video and audio recordings. When Event Mode is activated, video (but not audio) that has been captured during the 60 second Pre-Event Buffering mode is automatically attached to the beginning of the Event Mode recording.
- G. Pre-Event Buffering: The mode during which the BWC is continuously but temporarily storing 60 seconds of video (no audio) to be appended to a permanently stored recording upon activation of Event Mode.
- H. Public Information Act (PIA) Manager: The person assigned to the Central Records Section who is responsible for oversight of the processing of requests; and certification and release of Anne Arundel County Police Department records, including Body Worn Camera audio, video and data.
- I. Signal Sidearm: Proprietary technology specific for activating BWCs to Event Mode when a firearm is drawn from a duty holster. Signal Sidearm has four modes; Low Power Mode, Test Mode, Field Mode, and Mute Mode.
  - 1. Low Power Mode is used for shipping and storing the sensor.
  - 2. Test Mode is used to calibrate the sensor and verify correct operations.
  - 3. Field Mode is used during normal operations.
  - 4. Mute Mode allows the user to remove their sidearm from their holster, but NOT alert Axon cameras to record.
- J. Sleep Mode: Sleep Mode puts the BWC in an idle state that disables recording and buffering, and disables activation of the BWC by an Axon signal device. This is an alternative to powering off the camera.
- K. Supervisor: For the purpose of this index code, supervisor is defined as personnel holding the rank of sergeant or above.

### **IV. LEGAL CONSIDERATIONS**

The Maryland Annotated Code, Courts & 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:

- A. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;
- B. The law enforcement officer is making reasonable efforts to conform to standards in accordance with 3-511 of the Public Safety Article for the use of body worn digital recording devices;
- C. The law enforcement officer is a party to the oral communication;
- D. 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
- E. The oral interception is being made as part of a videotape or digital recording.

In addition, officers, when in uniform, or prominently displaying the officer's badge or other insignia, may intercept an oral communication where the officer is party to the communication and all parties to the communication have given consent to the recording.

## **V. ISSUANCE AND UTILIZATION**

- A. All officers will be issued two BWCs and a companion mobile application to their issued departmental mobile phones upon completion of BWC training. Officers may only utilize department issued BWC devices.
- B. Officers wearing a Class B or C uniform shall wear the BWC while on duty; while working uniformed secondary employment; and while operating a departmental vehicle in uniform. Officers wearing the "Class A" uniform or operating a department vehicle off duty in civilian clothing are not required to wear a BWC.
- C. Officers wearing plain clothes or business attire are not required to wear the BWC during the normal course of duty, unless the officer is wearing any type of external ballistic or tactical vest carrier; or participating in enforcement or investigative activity while prominently displaying the officer's badge or other official insignia (i.e. serving an arrest warrant, executing a search warrant, on scene investigation, etc.).
- D. Officers deputized as federal task force officers (TFOs) will follow the applicable Federal Law Enforcement agency guidelines for BWC usage while conducting federal task force operations and investigations.
- E. BWCs will only be used for official purposes and will conform to all applicable laws. BWC data is subject to the rules of discovery, meaning BWC data may be disclosed and obtained as evidence in a trial. In addition, state law permits individuals to request copies of BWC data (see Index Code 2420). All images and sound recorded by a BWC are the property of the Anne Arundel County Police Department.
- F. All BWC users will attend mandatory BWC training coordinated by the Training Academy before using their issued BWCs.

## **VI. OPERATING PROCEDURES**

- A. Only officers trained in the proper use of the BWC will use them.
- B. Prior to the beginning of each shift, each officer will perform a function test of his/her BWC, in accordance with the manufacturer's recommendations. Officers shall routinely monitor the battery level and status of the BWC through the LCD display on the top of the camera during their tour of duty. The battery level can also be viewed via the paired mobile device. If the status bar indicates a battery is below 20%, officers should consider recharging their battery or docking and swapping their BWC. The BWC will alert the user when the battery capacity reaches 10% and again at 5% (four high-pitch tones; four short duration vibrations). It is the user's responsibility to ensure their BWCs are properly charged and ready.
- C. Upon discovering a malfunction, the officer will immediately report the malfunction to a supervisor. Supervisors will document the malfunction on a "[BWC Malfunction/Failure to Record](#)" Google form. In the event of a BWC equipment malfunction, users may utilize their second BWC. The BWC user will take steps, as soon as possible, to obtain a replacement BWC from the Technology Section.
- D. The BWC must be worn on the officer's outermost garment, at chest level, which is the best position to maximize the BWC field of view and facilitate ease of operation based on the clothing/equipment worn by the officer. Exception: QRT officers using helmet mounted BWCs may position the BWC on the helmet.
- E. Officers may not intentionally obscure the view of their BWC.

- F. The BWC shall be powered on Pre-Event Buffering Mode at all times while worn.
- G. When the BWC is otherwise required to be powered on in Pre-Event Buffering Mode, users may put their BWC in Sleep Mode in situations where personal privacy (i.e. using the bathroom or changing clothes); or unintentional non-enforcement signal activation is a concern (i.e. at police facilities where equipment inspections or testing is occurring). BWC users are responsible for returning the BWC to Pre-Event Buffering Mode or Event Mode as required by policy.
- H. Officers shall pair their BWC with the Axon mobile application downloaded on their departmental phone. (Note: Officers will not use personal phones for pairing)
- I. The BWC shall not be utilized off-body as a covert surveillance tool.

## **VII. EVENT MODE “ACTIVATION” OF THE BODY WORN CAMERA**

- A. Officers shall only record in Event Mode for legitimate law enforcement purposes.
- B. Except as otherwise exempted by law, officers will notify individuals that they are being recorded as soon as practicable, unless it is unsafe or impossible to do so.
  - 1. This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided to the initial party.
  - 2. Examples of potential notification language include:
    - a. “You are being audibly and visually recorded”; or
    - b. “Our interaction is being recorded by my body camera”.
- C. The below list details when Event Mode recording must be utilized. Private residences should not be treated differently than other property for the purposes of recording. If an officer is unable to activate the BWC recording at the initiation of a call for service or other activity that is investigative or enforcement in nature, the officer shall activate the BWC recording at the first reasonable opportunity to do so.
  - 1. At the initiation of a call for service, or other activity or encounter with a citizen that is investigative or enforcement related in nature. (Dispatched calls for service, traffic stops, searches, pursuits, arrests, prisoner & civilian transports, field interviews, suspicious situations, mental health interventions, documentation of evidence, etc.).
  - 2. During any encounter with a citizen that becomes confrontational.
  - 3. When operating a vehicle in Emergency Response Mode (emergency lights and siren activated)
  - 4. When transporting a detainee. The recording will continue until a detainee is housed in a Temporary Detention Area; the detainee is turned over to the custody of Central Holding & Processing Center personnel; or custody of the detainee is turned over to personnel from another agency.
- D. Officers may stop or not use Event Mode recording in certain situations. In the event an officer stops Event Mode recording, the officer will memorialize the reason for stopping the recording by making a verbal statement prior to stopping the recording. **When in doubt, the officer should use Event Mode recording for the interaction.** In any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, the officer shall return the BWC to Event Mode recording in advance of the encounter or as soon as reasonably practicable. Exceptions to mandatory Event Mode recording are:
  - 1. When a victim, witness, or other person wishes to make a statement or share information during a voluntary interaction with law enforcement, but refuses to do so while being recorded, or requests the camera be turned off. If the encounter begins when the BWC is not actively recording, the officer may, but is not required to do so, temporarily activate Event Mode BWC recording for the purpose of documenting the person’s refusal to be recorded. Officers shall return the BWC to Pre-Event Buffering Mode and/or Event Mode recording at the completion of the interview/statement if the incident is on-going.
  - 2. When recording would risk the safety of a confidential informant or undercover officer.

3. When inside a medical facility, to include hospitals and ambulances, to protect patients' rights to privacy during medical or psychological evaluations or treatments. Officers shall be careful to avoid recording persons other than the person of interest, or recording medical documents.
- E. An officer shall not activate Event Mode BWC recording (or will stop Event Mode recording) in the following circumstances:
1. Strip searches;
  2. Agency personnel during routine administrative activities;
  3. Non-work related personal activities;
  4. To record any court proceedings unless confronting a violent or assaultive suspect, in an anticipated use of force instance, or when directed to take enforcement action by an agent of the court;
  5. Clinical Interventions by Crisis Response personnel; or
  6. When conducting a Domestic Violence Lethality Screen assessment with a domestic violence victim (per Index Code 1603), or while the victim is speaking to a hotline advocate.
- F. When not otherwise prohibited by law or agency policy, officers may activate BWC recording in circumstances when they determine that doing so would be beneficial to the public interest.

### **VIII. FAILURE TO RECORD**

Officers failing to activate Event Mode as directed by this policy will immediately notify a supervisor. The Supervisor will document that failure on a "[BWC Malfunction/Failure to Record](#)" Google form. If the failure to activate Event Mode is related to an incident associated with a police report number, the circumstances of the failure to activate Event Mode will be documented in the narrative section of the police report as well. If the incident occurs while the officer is off-duty, they will immediately contact an on-duty supervisor who will complete a "[BWC Malfunction/Failure to Record](#)" Google form as specified above. The on-duty supervisor will notify, via email, the officer's immediate supervisor of the incident. In the event of a BWC equipment malfunction, the user will utilize their second BWC. The BWC user will obtain a replacement BWC from the Technology Section as soon as possible.

### **IX. AXON SIGNAL ACTIVATION**

- A. Signal Sidearm
1. The Axon Signal Sidearm will send a signal to activate the BWC to Event Mode when the handgun is drawn from the holster.
  2. The Axon Signal Sidearm will activate any BWC in range of the signal.
  3. Axon Signal Sidearm "Mute Mode" may be activated when the firearm is removed from the duty holster for inspection purposes or when being temporarily stored. Mute Mode does not prevent the BWC from being manually activated to Event Mode recording.
- B. Conducted Electronic Weapon (CEW) Signal
1. The Axon Taser 7 CEW will send a signal to activate the BWC to Event Mode recording when the CEW is armed; when an arc is initiated; and when then trigger is pulled
  2. The CEW signal will activate any BWC in range of the signal.
  3. The CEW signal is disabled when the CEW is in Function Test Mode.
- C. Signal Vehicle
1. The Axon Signal Vehicle is a device installed in most police vehicles equipped with emergency equipment (lights and sirens).
  2. The Axon Signal Vehicle will activate any BWC in range of the signal when the front and rear facing emergency lights of the vehicle are turned on. The signal will not be sent when the emergency lights are in "rear-only" or "patrol cruise" mode.
  3. Special purpose vehicles such as buses, motorcycles, command posts, etc. are not equipped with the Axon Signal Vehicle device.

- D. The “Axon Signal” accessories are intended to supplement and assist in compliance with BWC activation policies, particularly during high stress events. BWC users are ultimately responsible for compliance with procedures outlined in this policy.
- E. BWC users may use “Sleep Mode” to avoid unnecessary and accidental BWC Event Mode activations from Axon Signal devices in circumstances as described in Section VI. G.

**X. ENDING A RECORDING**

Once recording has been initiated (including instances of automatic activation by an Axon Signal Device), officers will not end the recording until or unless:

- A. The event or encounter has fully concluded, meaning that no more investigative or enforcement action is anticipated; or
- B. The officer leaves the scene and anticipates no further involvement in the event; or
- C. The officer is expressly authorized under this policy to stop recording; or
- D. A supervisor has authorized that a recording may cease because the officer is no longer engaged in a related enforcement or investigative activity.

Prior to ending the recording, the officer shall state orally into the BWC the reason for ending the recording.

**XI. UPLOADING AND CATEGORIZING BWC DATA**

- A. Users are responsible to dock and swap their BWC sometime during their tour of duty on regular work days for the purposes of uploading audio and video data; downloading firmware updates to the BWC; and charging the BWC battery.
- B. If a user is expected to be absent from work beyond their regular days off, the user is responsible to dock and swap their BWC prior to their absence beyond their regular days off.
- C. If, after docking and swapping a BWC prior to an anticipated absence, a new recording is made as required by policy (i.e. a traffic stop or call for service); and it is not practical for the BWC user to dock the BWC to upload the new recording within four (4) days, the BWC user may utilize the “Priority Upload” feature to upload the new recording. Note: The “Priority Upload” feature will only upload the most recent recording made on the BWC. The “Priority Upload” feature uses the BWC’s LTE technology. Performance, upload speed and battery impact of uploading BWC recordings via “Priority Upload” depends on LTE coverage in the area. Recordings longer than sixty (60) minutes cannot be uploaded via “Priority Upload”.
- D. If a user is unexpectedly unable to return to work after their regular days and has not docked or swapped their BWC, they will notify their supervisor who will coordinate getting the BWC docked and swapped. In all circumstances, no more than four (4) days should elapse between the time a BWC has captured recording and the time the BWC is docked, including recordings made when working overtime, secondary employment, or other circumstance while on extended leave.
- E. Users will be required to dock and swap their BWC prior to the end of their shift under the following circumstances:
  - 1. Incidents involving injuries to an officer or prisoner;
  - 2. Vehicle pursuits;
  - 3. Uses of force;
  - 4. Incidents where a complaint has been received.
  - 5. Fatal crashes and any crashes where Traffic Safety is requested.
  - 6. When directed by a supervisor.
- F. Users are responsible for ensuring BWC recordings are properly categorized. In most cases when a user is on an incident documented in the Computer Aided Dispatch (CAD) system, the BWC recording will be auto-tagged through an interface between the CAD system and the digital evidence management system, based on the incident disposition code in the CAD system. In instances when a recording is not auto-tagged, the user

will manually categorize the recording. Users will also manually categorize recordings when additional categories need to be applied to the recording based on evidence retention, nature of the incident, etc.

- G. In a critical incident (e.g. law enforcement use of deadly force, in-custody death, or other incident resulting in death or serious injury involving a law enforcement officer), a supervisor will take custody of the BWC and be responsible for the upload and ensuring proper categorization occurs. The supervisor will contact the Technology Section for a replacement BWC, if the BWC itself needs to be held and processed as evidence (i.e. DNA, latent fingerprints, etc.). In most cases, the BWC can be returned to the officer after the BWC is docked and the upload is completed and verified. If necessary, the "Priority Upload" feature may be used to upload a BWC's most recent recording, however since "Priority Upload" uses the BWCs LTE technology, it may still be quicker to transport the BWC to a docking station, depending on the LTE coverage in the area and the length of the recording.

## **XII. ACCIDENTAL RECORDINGS**

- A. In the event of an accidental activation of BWC Event Mode recording where the resulting recording did not involve a citizen contact or other scenario where Event Mode recording was required, the BWC user will orally state the circumstances of the accidental activation prior to ending the recording; and will categorize the recording as "Accidental Activation."
- B. False Signal Cancellation: If a BWC is unnecessarily and accidentally activated from Pre-Event Buffering Mode to Event Mode recording by an Axon Signal device (i.e. Signal Sidearm, CED Signal, Signal Vehicle), the user may utilize the "False Signal Cancellation" workflow built into the BWC. False Signal Cancellations should only be used when a BWC is unnecessarily and accidentally activated to Event Mode recording in administrative environments and not situations where recording is otherwise required. All False Signal Activations will automatically be categorized as "False Signal Activation."
- C. A BWC user may request accidental and false signal recordings to be deleted by submitting a BWC Recording Deletion Request Form (PD 1904.4) to their District/Division Commander via the chain of command. The video will be reviewed by the supervisors in the chain. The BWC user may request a supervisor of a specific gender to review the video, if necessary. If approved, the District/Division Commander will forward the approved form to the BWC Quality Assurance Officer who will review for policy compliance and will delete the video from the digital evidence management system if within policy.

## **XIII. REPORTING REQUIREMENTS**

Members must document if BWC data exists in all report types and charging documents. For reports written in the records management system, this requirement is satisfied by selecting the "BWC Recording" checkbox on the Event Information Card. In charging documents, this requirement is satisfied by a written statement that BWC recording(s) exist at the beginning of the Statement of Probable Cause (ie., Incident captured on BWC).

## **XIV. SUPERVISOR'S RESPONSIBILITIES**

- A. Supervisors will document malfunctions or error signals immediately by completing a "[BWC Malfunction/Failure to Record](#)" Google form. During the monthly inspection, supervisors will ensure that both BWCs are accounted for and in good operating condition. Replacement BWCs will be provided by the Technology Section.
- B. Supervisors will review BWC recordings conducting supervisory review of the following incidents:
1. Incidents involving injuries to an officer or prisoner;
  2. Vehicle pursuits;
  3. Uses of force;
  4. Incidents where a complaint has been received.

These reviews will be documented on the appropriate Pursuit Report, Use of Force Report, or Blue Team complaint, as appropriate.

- C. Supervisors will not arbitrarily, routinely or randomly review audio/video recordings for the purpose of identifying minor infractions of department policies or procedures.



- D. Supervisors may review BWC recordings to evaluate probationary officers' performance and ensure compliance with departmental training and policy.
- F. Supervisors will review one (1) BWC recording from each officer/detective assigned to their platoon/unit every ninety (90) days utilizing the Random Video Review feature of Axon Performance. Axon Performance ensures a random recording from each person assigned to a platoon or unit is reviewed by a supervisor during the 90 day period. The supervisor will review the recording for compliance with department policies, officer safety tactics and appropriate categorization and title. The reviewing supervisor will provide feedback to the user whose recording was reviewed and will follow department guidelines for recognizing good work and for holding users accountable for violations of policy.

## **XV. AXON RESPOND**

Axon Respond works in conjunction with the BWCs to allow personnel with permissions to view officer locations on a map and view live streams from BWCs in real time. BWCs do not transmit real time GPS data or live stream video except when in Event Mode recording. BWCs cannot be remotely "pinged" for GPS data or remotely activated to Event Mode recording.

- A. Sworn Supervisors, Communications Section Supervisors, *and Real Time Fusion Center personnel* have system permissions to view live streams from BWCs that have been activated in Event Mode recording for the purposes of operational real time situational awareness and officer safety during critical incidents including, but not limited to:
  - 1. An Axon Signal Activation.
  - 2. An ongoing critical incident (use of force, firearms discharge, Taser deployment, Signal 13, foot or vehicle pursuit, etc.).
  - 3. An active assailant incident.
  - 4. A hostage/barricade incident.
  - 5. Determining the safety status of an officer (officer not answering radio, radio communication is not safe or practical, etc.)
  - 6. At a BWC users own request for their BWC to be streamed.
- B. All BWC users, personnel in the Communications Section, *and Real Time Fusion Center personnel* have system permissions to view GPS locations of BWCs for the purposes of operational real time situational awareness and officer safety. When a BWC is in Event Mode recording, the GPS location information is real time. When a BWC is in Pre-Event Buffering Mode (including Sleep Mode), the GPS location is marked approximately every fifteen (15) minutes. Clicking on the individual camera on the Respond map will advise how long ago the last location was last updated. After a BWC is powered off, the last GPS location will remain on the Respond map for approximately one (1) hour.
- C. Axon Respond functions (GPS location and live streams) are only allowed to be accessed and used for official law enforcement related purposes. Supervisors will not arbitrarily, routinely or randomly use Axon Respond functions for the purpose of tracking subordinates or seeking to discover or identify minor infractions of department policies or procedures. All resources of the department may be used if investigating a complaint or "on-view" violation of department policy. All personnel should be aware that there is an audit log of activity within the Axon Respond application.

## **XVI. REVIEW OF RECORDINGS**

The following persons/entities can review recorded BWC data:

- A. Officers may view BWC data from their own assigned BWC, or the BWC of another officer, to assist in the following:
  - 1. Report writing or preparation of other official documents.
  - 2. Court preparation.
  - 3. Review/critique of the officers own performance.
- B. Supervisors may review BWC data as described in section XIV.



- C. Command Staff may review BWC for any legitimate matter.
- D. Investigative units when conducting an investigation of incidents captured on a BWC.
- E. The Training Division may review recordings for training purposes that are not otherwise restricted for investigation or other administrative reasons.
- G. Except as authorized by this policy, copying (taking cell phone video, downloading to an external media device, etc.), releasing, altering, erasing, or allowing unauthorized viewing (showing video to other officers not involved in the incident, showing video without departmental authorization, etc.) of an agency BWC video recording (or portion thereof) is prohibited and may subject an officer to disciplinary action.

#### **XVII. REQUEST FOR RELEASE OF RECORDINGS**

The following persons/entities can receive recorded BWC data with the approval of the PIA manager:

- A. Members of the Office of the State's Attorney, United States Attorney's Office, Attorney General's Office, or other prosecuting authority, for purposes of investigation leading to possible prosecution;
- B. The Anne Arundel County Office of Law;
- C. Other law enforcement agencies; and
- D. Members of the public, after approval of a properly submitted Maryland Public Information Act (MPIA) request.

#### **XVIII. DEPARTMENTAL RELEASE OF RECORDINGS WITHOUT REQUEST**

- A. Absent a formal request, the Chief of Police may release recorded BWC data of:

- 1. Critical incidents

- a. An incident involving a use of force by one or more officers that results in the death of, or serious physical injury to another;
  - b. Any high profile incident that garners a significant public interest or concern; and/or
  - c. Any incident in which the Chief of Police determines the release of BWC footage would be in the best interest of the public or public safety.

Note: This definition applies only to this section.

- 2. Positive action/interactions involving Department members.

- B. Release of recorded BWC data will be done in consultation with the prosecuting authority if the recording has the potential to impact a criminal trial and/or involves pending criminal charges. (Exception: When recorded BWC data are unilaterally released by the Chief of Police for public safety).
- C. Public release of recorded BWC data in accordance with this policy may be delayed, redacted, edited, or in some cases, the Department may forego public release, in order to:
  - 1. Comply with federal, state, or local law governing disclosure of records or existing Departmental procedures;
  - 2. Protect confidential sources and witnesses;
  - 3. Protect the rights of the accused;
  - 4. Protect the identity of victims, witnesses, and juveniles;
  - 5. Protect the privacy, life, or safety of any person; and
  - 6. Protect the location of victims and/or witnesses.
- D. Sworn members who are significantly involved in a critical incident as defined in this section, or any other incident deemed appropriate by the Chief of Police, shall be afforded the opportunity to review recorded BWC data, if they have not already done so, before it is publicly released.

- E. In cases involving a fatal use of force, an immediate family member of the decedent, as determined by the Department, will be afforded the opportunity to review recorded BWC data before it is publicly released.
- F. Released recorded BWC data may be posted on the Department's public-facing, official website for 30 days, after which it may be removed. The posted recorded BWC data:
  - 1. May include redactions of faces or identifying information of involved parties;
  - 2. May be a reflective sample and/or compilation of available recorded BWC data, and
  - 3. Will be subject to all restrictions noted in this policy.
- G. The Chief and/or designee will make the following notifications prior to the release of recorded BWC data of a critical incident to the public:
  - 1. Department members whose recorded BWC data is to be released;
  - 2. Department members readily identifiable in the videos and/or significantly involved in the event, as determined by the Chief of Police or designee;
  - 3. Anne Arundel County Fraternal Order of Police; and
  - 4. Other official agencies involved in the incident or investigation.
- H. Recorded BWC data will not be released for commercial, non-law enforcement, or non-journalistic purposes. Note: This policy is not intended to, and does not create any rights, substantive or procedural, in favor of any person, organization, or party.
- I. The Chief of Police has the discretion to make exceptions to any of the above in Section XVIII.

#### **XIX. AUDIT/REVIEW/INSPECTION**

- A. In addition to the Supervisor's reviews, the Staff Inspections Unit will conduct on-going random reviews, audits and inspections of department BWC data to assess that BWCs are being used in compliance with law and Anne Arundel County Police Department policies. To facilitate and ensure impartial and random review, the randomization and selection criteria for reviews and audits will be configured in the settings in the Axon Performance application. The schedule of inspections will be delineated in the unit Standard Operating Procedures.
- B. Random reviews, inspections and audits shall be used to assess:
  - 1. Supervisory compliance of random BWC recording reviews in the Axon Performance application.
  - 2. BWC user compliance with BWC policies (including but not limited to proper use of pre-buffering mode; starting event mode recording when required; stopping event mode recording when required, recording categorization, proper maintenance, etc.).
  - 3. Training and equipment needs, and
  - 4. Consistency between written reports and BWC recordings.
- C. Any observations pertaining to training will be brought to the attention of the Training Division. Any observations pertaining to equipment deficiencies or malfunctions will be brought to the attention of the Technology Section.
- D. Any observations that are violations of policy or law shall be reported to the Internal Affairs Section for appropriate investigation and disposition.

#### **XX. SECURITY, RETENTION, AND DISCLOSURE OF BWC DATA**

- A. Officers are prohibited from sharing BWC log-in credentials with any other person.
- B. Accessing, copying, or releasing BWC data for non-law enforcement purposes is prohibited, unless directed by the Chief of Police, or designee.
- C. Accessing, copying, releasing, or sharing BWC data on any computer or device not controlled or provided by the Anne Arundel County Police Department is strictly prohibited.

- D. In general, the Anne Arundel County Police Department shall retain an unedited original version of BWC data for a minimum period of four years in the digital evidence management system (DEMS). If a recording is associated with a case, the BWC data will be retained according to investigative file requirements (Refer to Index Code 1201.3 “Release & Disposal of Property”), otherwise retain for four (4) years then delete from the DEMS. Accidental and false signal recordings may be deleted from the DEMS after final review by the Office of Professional Standards. Training and Testing recordings are retained for 10 days, then deleted from the DEMS. Department personnel are strictly prohibited from tampering with or editing this original version.
- E. If the BWC incident results in a notice of claim or civil litigation, the footage should be retained for at least one year following the conclusion of the matter, including appeals.
- F. Access to BWC data shall be controlled securely through Evidence.com.
- G. There is an audit log of all activity within the Evidence.com application, including any time data is viewed, for what length of time and by whom; and when sharing, copying or editing of BWC data.
- H. Access to BWC data shall not be shared with any member of the media unless authorized by the Chief of Police, or designee.

**XXI. EQUIPMENT MAINTENANCE**

The Technology Section is responsible for coordinating BWC equipment maintenance, repairs and replacement.

**XXII. PROPONENT UNIT:** Technology Section

**XXIII. CANCELLATION:** This directive cancels Index Code 1904.4, dated **09-30-22**.