

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 3: General Patrol Procedures
Topic: BODY WORN CAMERA (BWC)
Approved: 3/17/26
Review: Annually in August by the Technology and Services Division Commander.
Supersedes: GO 385 dated 01/09/24

Order Number: 385
Issued by: Chief of Police

.01 PURPOSE:

To provide policy on the acquisition, operation, and control of the Department's Body Worn Camera (BWC) Program.

.02 CROSS-REF:

G.O. [720](#), "Deadly Force Guidelines and Investigations"
G.O. [1650](#), "Standards of Employee Conduct"
G.O. [1655](#), "Police Officer Conduct"
G.O. [833](#), "Evidence and Property Control"
SOP [RS-085](#), "Property Evidence Disposal Guidelines"

.03 DISCUSSION:

The Body Worn Camera provides an independent witness to incidents and the interactions of police officers with the public. It is important to remember that the recording is the perspective of the camera and not that of the officer or other witnesses, and does not capture everything that is occurring during an incident. BWC footage should not be viewed as the only measure of truth because the video may show more or less of what the officer hears or observes. Recordings lack the officer's perception of what is taking place. The BWC has an important, but limited, use as one of many policing tools.

The Frederick Police Department has adopted the use of Body Worn Cameras:

1. To enhance officer safety during citizen contacts;
2. To record vehicle and/or investigative stops within the physical limitations imposed by the equipment;
3. To record citizen contacts and interactions when no expectation of privacy is present;
4. To enable an officer, whenever practical and possible, to record the commission of a violation or crime;
5. To enhance an officer's ability to report the circumstances leading to an incident in a factual, detailed manner;
6. To provide a supplement to personal testimony in court;
7. To enable the Department to review the performance of its personnel during incidents to include a review of:
 - A. Legal basis used to conduct a stop if captured on video;
 - B. Officer and citizen interactions;
 - C. Arrest procedures, if applicable; and,

- D. Adherence to established procedures and officer safety training.

.04 POLICY:

It is the policy of the Frederick Police Department that personnel equipped with a functional BWC will utilize the equipment for the purpose of collecting evidence to be used in the prosecution of those who violate the law, to record officer and citizen interactions, and to enhance officer safety. In this policy, the Department provides guidelines for the use of BWC equipment and the retention and disposition of recordings. The equipment can be used for any lawful police purposes, such as investigations, traffic stops, field inquiries, interviews, telephone calls, and pursuits. The Department also authorizes its personnel to video record, at their discretion, any other incident which occurs in a public place that would be beneficial to the public interest. The use of BWC is for official law enforcement purposes only. Only departmental equipment will be used for BWC. Violations of the content of this order may result in discipline.

.05 DEFINITIONS:

BODY WORN CAMERA (BWC) – A camera system worn on the person of a certified law enforcement officer, being lawfully authorized to record video and intercepting oral communications.

PRIVATE CONVERSATION- A conversation in which at least one of the parties to the conversation has a reasonable expectation of privacy.

SIGNAL SIDEARM – A device that attaches to the uniformed patrol officer's holster, and automatically activates BWC within a pre-determined wireless signal range when the handgun is removed from the holster.

PREFORMANCE – A program on the evidence.com platform that provides supervisors additional insight at the squad level to help determine performance and compliance with the agencies body worn camera policies and procedures.

FLEX 2 CAMERA – A camera system worn on a helmet of an officer assigned to the Special Response Team.

AUTO TAGGING – An interface that is established by AXON Technical staff that works to tag videos with case number, title and evidence category based on data obtained from CAD reports.

AXON CAPTURE – Phone app created by AXON for use in the field as a means to capture and upload photos to Evidence.com.

.10 STATUTORY AUTHORITY:

1. While the use of digital video recorders to record events which occur in public places is not regulated by law, the recording of any conversation which takes place during the video taping of an event is covered by Maryland's "Wiretapping and Electronics Surveillance" law.
2. As a matter of law, a conversation between a law enforcement officer performing his or her duties and a member of the public is protected under the Act where the circumstance does not fall within a statutory exception to the prohibition against intercepting the conversation and when a party to the conversation has a reasonable expectation of privacy in the communication.
3. It is lawful under Section 10-402 (c) (11) this subtitle 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 or an electronic control device capable of recording video and oral communications 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 or electronic control devices capable of recording video and oral communications;
 - C. The law enforcement officer is a party to the oral communication;
 - D. Law enforcement notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
 - E. The oral interception is being made as part of a videotape or digital recording.
4. The Annotated Code of Maryland, "Courts and Judicial Proceedings," Section 10-402(c)(4) provides a statutory exception from the general prohibition to record oral communication as follows:

It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication, if:

- (i) The law enforcement officer initially detained a vehicle for a traffic violation;*
- (ii) The law enforcement officer is a party to the oral communication;*
- (iii) The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;*
- (iv) The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and*
- (v) The oral interception is being made as part of a video tape recording.*

5. Section 10-402(c)(2) also provides exceptions to the interception of oral communications outside the parameters of a vehicle stop. Because BWC is equipped with audio recording capabilities, the pertinent parts of Section 10-402(c)(2) which list the circumstances/conditions under which an audio recording can be made are listed in this order:

It is lawful under this subtitle for an investigative or law enforcement officer acting in a criminal investigation. . . . to intercept a wire, oral or electronic communication in order to provide evidence of the commission of the offenses of:

- i) murder,*
- ii) kidnapping,*
- iii) rape,*
- iv) a sexual offense in the first or second degree,*
- v) child abuse,*
- vi) child pornography as defined in the Criminal Law Article Section 11-207. 11-208, or 11-208.1 of the Code,*
- vii) gambling,*
- viii) robbery, under 3-402 or 3-403 of the criminal law article,*
- ix) any felony punishable under the "Arson and Burning" subtitle of Article 6 subtitle 1 of the Criminal Law Article.,*
- x) bribery,*
- xi) extortion,*
- xii) or dealing in controlled dangerous substances including violations of Title 5 of the Criminal Law Article.,*
- xiii) fraudulent insurance acts as defined in Title 27, Subtitle 4 of the Insurance*

- xiv) *Article, offenses relating to destructive devices under Section 4-503 of the Criminal Law Article, or*
- xv) *secual solicitation of a minor under 3-324 of the criminal law article*
- xvi) *any offense relating to obstructing justice under 5-302, 9-303, or 9-305 of the criminal law article,*
- xv) *any conspiracy or solicitation to commit any of these offenses listed in items A-P, or*
- xvi) *where any person has created a barricade situation and probable cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved.*
- xvii) *where the person is a party to the communication or one of the parties to the communication has given prior consent to the interception.*

6. A law enforcement officer may intercept "a conversation concerning an emergency," Section 10-402(c)(5).
7. In all cases the interception of the conversation is authorized with the consent of the individual Section 10-402(c)(3).
8. The State Wiretap Act, CJP Article 10-402(c)(2) also makes it lawful for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication where the officer is a party to the communication and where all parties to the communication have given prior consent to the recording.

NOTE: Nothing in this Order precludes an officer from VIDEO RECORDING any incident, encounter, contact or activity that occurs in a public place using BWC without using the audio option.

.15 PROCUREMENT OF BWC AND TRAINING:

1. The Commander, Technology and Services Division in consultation with Patrol Commanders will be responsible for procuring and purchasing BWC equipment. No other video/audio recording equipment shall be used in place of or in conjunction with BWC equipment without the prior knowledge and approval of the Commander, Technology and Services Division.
2. Personnel issued BWC will receive training on this policy, operation of the camera and its capabilities and alternate methods to notify persons of recordings with special needs or limited English capabilities prior to use.
3. Supervisors will receive training on this policy and evidence.com use.

.20 GENERAL USE GUIDELINES:

1. Sworn personnel trained in the use of BWCs and issued a BWC will always utilize their issued BWC during any regular tour of duty unless exempted in an exemption listed below.
 - A. Personnel assigned to the Criminal Investigations Division, Technical Services Division, Support Services Division, and Professional Services Division. Because personnel in these divisions often work in plain clothes or otherwise administrative roles personnel will refer to guidance in division specific SOP's for BWC use.
 - B. Personnel assigned to an administrative role in a non-operational capacity.
 - C. Personnel working in a plain clothes assignment with prior supervisory approval

2. Sworn personnel trained in the use of BWCs and issued a BWC will utilize their issued BWC during all regular tours of duty in which the member is working in plain clothes, modified uniform, or alternate attire in an operational capacity so long as the wearing of a BWC would not compromise an operation, investigation, or the safety of the officer. Personnel will obtain supervisory approval prior to plain clothes assignments if requesting not to wear a BWC. If a user does not use a BWC during their regular tour of duty the reason for not wearing a camera will be documented in any reports generated.
3. Sworn personnel trained in the use of BWCs and issued a BWC may utilize their issued BWC during any uniformed overtime assignments unless specified otherwise on the overtime assignment. The use of BWCs during overtime assignments is preferred by the agency but not mandated in accordance with the existing FOP Collective Bargaining Agreement.
4. The use of BWCs by personnel who have not received prior training in the use and operation of the current camera platform is prohibited. The current authorized camera platforms are AXON Body 4 and FLEX 2.
5. The AXON Capture app is utilized by officers to capture photos at incidents as they see fit. Photos are taken in the app and immediately uploaded to Evidence.com once tagged with appropriate data and deleted from the device.

.25 PRE-USE INSPECTION AND SET-UP:

At the beginning of each shift an officer equipped with a BWC will:

1. Determine if BWC is functioning as designed. Any problem with BWC is to be brought to the immediate attention of the on-duty supervisor as soon as it is discovered prior to or during the shift;
2. Ensure that the video camera is positioned and adjusted to record all events occurring in the officer's vision area as limited by the range of the camera lens;
3. The Axon View app should be used on a smart phone to view the cameras perspective when mounted on the officer. Officers should use their agency issued smart phones for this purpose.
4. In the event a body worn camera is found to be inoperable or malfunctioning, the Officer will initiate a help desk repair request and remove the camera from service.
5. The BWC Administrator will ensure the camera is repaired or replaced and issue a temporary camera if available.

.30 OPERATION OF BWC:

1. Video Camera Activation: BWCs will be activated during lawful citizen contacts, to include telephone conversations, and investigations. Officers will activate their BWC prior to the citizen contact or while en route to the incident. Some circumstances may occur unexpectedly. In those situations, officers will activate their BWC as soon as practical. Whenever a BWC is deactivated during a contact, if time and opportunity allows the reason for the deactivation will be audio recorded on the camera immediately prior to turning off BWC. Alternatively, officers may document in a police report the reason for deactivation. For example; "I am stopping the recording due to no evidentiary purpose."
2. The Frederick Police Department has set a pre-defined buffering time of 60 seconds on

each BWC in operation. This buffer time allows 60 seconds of video recording prior to the activation of the BWC. The purpose of this buffering time is to capture the lead up to incidents officers are involved in prior to activation. Officers will not circumvent this buffer cycle in any manner to include power cycling the BWC. Audio is not captured during the 60 second buffer.

3. When utilizing BWC during a citizen contact all personnel will:
 - A. As soon as practicable, prior to any conversation with any individuals involved in an incident or stop, inform the parties that they are being both audio and video recorded (CJP Section 10-402(c)(2)(C and D);

NOTE: The Department teaches the following greeting as an officer's initial salutation: *I'm Officer _____ of the Frederick Police Department. For your safety as well as my own this encounter is being video and audio recorded.*

- B. Conduct the activity as appropriate and not deactivate the camera until the contact is complete.
 - C. When a person is reporting a crime, providing information regarding a crime or ongoing police investigation, or claiming to be the victim of a crime and indicates they are uncomfortable being recorded:
 - (1) The officer may offer the person with the option to have the sound or camera turned off. A request to turn off the Body Worn Camera should be recorded on the camera prior to turning it off,
 - (2) If the person is being belligerent and uncooperative the officer may consider continuing the recording until the person is calm and cooperative or contact a supervisor for guidance.
 - D. Officers may manually deactivate BWC at the scene of an accident or under other circumstances in which no enforcement action is intended and where the officer believes that video/audio recording serves no useful purpose. However, the BWC will remain activated at the scene of a departmental related accident. If BWC is deactivated under these circumstances, the officer will record his reasons for deactivating BWC on the camera audio.
4. Officers will not surreptitiously or openly record private conversations or conversations that are not part of official business or investigations CJP Section 10-401(13)(i). This includes but is not limited to:
 - A. Conversations between individuals not including the officer;
 - B. Administrative or general discussions with other employees or supervisors;
 - C. Personal activities;
 - D. Privileged conversations (spouses, lawyers, FOP representative or supervisor); and,
 - E. When handling an incident which requires activation of the BWC and an exception listed above is present, the officer may use the mute function to prevent recording administrative or private conversations and record on camera

the reason prior to muting the sound.

5. Officers generally shall not activate the BWC in places where a heightened expectation of privacy exists, such as hospital rooms, ambulances, medevac helicopters, locker rooms, dressing rooms or restrooms. If an exigency exists, such as an assault in progress, in one of these locations an officer may use their discretion to activate their BWC if the activation is in the best interest of the officer, agency and community. At no time will officers utilize body worn cameras to record an authorized strip search.
6. Officer's may activate their BWC within a hospital room or during medical transport for purposes of recording an interview or final declaration with a victim, witness, or suspect of a criminal investigation provided it does not interfere with ongoing medical treatment being received by the individual.
7. Officers will not tamper with, modify, or delete recordings. If a prohibited activity has been recorded in error the officer will contact his supervisor. The supervisor will ensure the video is tagged and notify the BWC Administrator to have the video redacted or restricted after confirming the video was recorded in error.
8. While verbal documentation on video regarding the muting or deactivation of a BWC is the preferred method, the agency acknowledges situations may arise where an officer forgets to provide verbal documentation or does not have an opportunity to provide verbal documentation on video. In those instances it will be acceptable for the officer to document in a police report the reason for deactivation or muting of the video. An officer failing to appropriately document the muting or deactivation of a BWC less than three times in an evaluation period will be addressed by their supervisor. Three or more instances of an officer not documenting the muting or deactivation of their BWC will be a violation of this policy and could result in discipline.

.35 BWC IN SCHOOL ENVIRONMENT:

Personnel operating within a school environment will consider the sensitivity of student information while inside the school. While the use of BWCs within a school is not expressly prohibited extra care and caution will be taken by the officer to ensure privacy of students.

.40 BWC EVIDENCE AND RETENTION PROCEDURES:

1. The agency has enabled auto-tagging between CAD and Evidence.com. The purpose of auto-tagging is to help identify videos by case number in the situation they were not previously tagged by a user. Auto-tagging does not replace the need for a BWC user to follow the steps noted below in .40, 2-3.
2. All BWC recordings must be uploaded by officers within 24 hours of the video being recorded. This can occur by either docking the camera or ensuring that the recordings were uploaded over WiFi. The officer should dock the camera for upload if they are unable to ensure adequate time at the end of a shift for the WiFi upload process. The officer will be responsible for tagging, categorizing, and titling all videos considered evidentiary, part of an arrest or intention to place charges, use of force, officer injury, or any other situation in the best interest of the officer, agency, and community. This saves the recording according to pre-defined retention guidelines.
3. In the event that an officer must save a recording as noted in .30 #2, the recording officer will complete the following:
 - A. Officers will not need to document in writing the use of a BWC. The implied

understanding is that an officer will always be using a BWC camera. If an officer is not wearing or utilizing a BWC that officer will document in writing that that did not have a BWC camera on their person for the incident. This information can be in the primary report for the reporting officer or a supplemental report if a back-up officer.

B. If Auto Tagging does not occur, the officer will tag, categorize, and title the video by using Axon View or Evidence Sync prior to docking the camera for download. The recommendation of the agency is for users to tag videos on a continual basis through Axon View on their department issued smart phones. With the implementation of WiFi Upload officers should tag videos prior to returning to headquarters. Once the videos are uploaded over WiFi they can no longer be tagged using the methods above. In this instance, the officer should use the evidence.com web based platform to complete tagging.

(1) The video ID will be changed to the CR number in this format: complete year and 6-digit number. (YYYY-000000) This field is verified in the field and users must enter the correct numbering scheme in order to complete tagging.

Officers assisting on a CFS in a role requiring a secondary CFS to be created will tag the video under the case number of the primary incident. (i.e. canine sniff, language interpretation, etc)

(2) Select the appropriate retention category from the drop down menu. **Setting the retention category prevents the recording from automatic deletion after 90 days.**

- a. Evidentiary: Used by officer to mark videos that are part of any investigation requiring a report or arrestable traffic stops.
- b. Officer injury: Used by supervisors when creating a video clip for use in an officer illness/ injury report.
- c. Pending Review: Used by officers or supervisors for a video saved for administrative purposes.
- d. Potential Complaint: Used by officers or supervisors to save a video that may result in a complaint or when a complaint is made.
- e. Training Demo: Used by supervisors of officers to save a video created for or to be used for training or evaluation of performance.
- f. Traffic Stops: Used by officers for non-arrestable traffic stops that may be used in court. (Evidentiary will be used for arrestable traffic stops)
- g. Use of Force: Used by supervisors only when creating a clip for use in an administrative Use of Force evaluation and review.



4. The recording of the arrest of an individual(s) using a Body Worn Camera is subject to the same “rules of discovery” by the defense as any other physical evidence. All discovery of evidence will be handled by the States Attorney’s Office Evidence Review Unit.
5. The State’s Attorney Office will be provided access to the recordings that have been tagged as evidence directly through Evidence.com.
6. Officers should tag potential complaints or other incidents that may require supervisory review.
7. Major investigations that are re-assigned from the original reporting officer will require a second check for evidence to be stored in the evidence.com system. This responsibility falls on the newly assigned case investigator.

.45 SUPERVISOR RESPONSIBILITIES:

1. Supervisors will ensure officers under their command equipped with a BWC are using the equipment in accordance with this policy by utilizing AXON Performance. AXON Performance allows Supervisors to conduct routine review of officers under their command at random and prevents “targeting” of an officer. The system requires 1 video review of each officer every 2 weeks.
2. Supervisors will review the evidence.com system to ensure all videos documented in police reports are properly categorized, titled, and tagged by the officer.
3. Supervisors will proactively review major incidents including but not limited to violent crime, domestic assaults, felony crimes, and/or incidents likely to gain public notoriety to ensure officers equipped with a BWC under their command have uploaded the video, documented the upload in a police report, categorized the video, titled the video, and tagged said video.
4. Supervisors are encouraged to use the BWC as a method to provide feedback, guidance, and coaching to officers in lieu of physically being on scene and observing the officer’s performance. The review of BWC video is no different than a supervisor being present on scene observing the officers performance.
5. In a critical incident, such as in an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death, a supervisor shall immediately take custody of the involved officers BWC, and in such case, will be responsible for docking the BWC for video and audio upload. The supervisor will treat the BWC and captured recordings as evidence and maintain a chain of custody of the BWC. The BWC Administrator will restrict the video footage from being viewed by department personnel with the exception of the Chief of Police, Bureau Captains, Internal Affairs Unit, or the appropriate investigative unit supervisor. The Chief of Police or his designee may approve access to other individuals or entities as needed if appropriate.

.50 BWC ADMINISTRATOR RESPONSIBILITIES:

1. The Technology Specialist assigned as the Body Worn Camera Administrator will be the custodian of records for all Body Worn Camera evidence.

2. Once a month, the BWC Administrator will conduct a check of the Evidence.com software for proper functioning. This check will be audited within the Evidence.com program for documentation purposes. This check will consist of a review of five (5) video files to ensure:
 - A. Proper and timely uploading;
 - B. Acceptable audio and video quality; and
 - C. Automatic deletion of files over ninety (90) days old.
3. The BWC Administrator will be responsible for the daily review of all videos categorized as Evidence. The BWC Administrator will share these videos with the SAO through the creation of a case in Evidence.com.
4. The BWC Administrator will handle all requests for evidence from the SAO by email when received. These requests will be handled in the same manner as cases created in Evidence.com.
5. The BWC Administrator will be responsible for the training of all personnel in BWC use.
6. Annual BWC reporting will be completed by the BWC Administrator. The annual report will be submitted up the chain of command to the chief of police. The report will be completed by March 31st. The report will contain BWC usage data, performance review data, general issues, and any significant updates or changes to the BWC program for the upcoming year.
7. The BWC Administrator is exempt from the requirements set forth in this order for notating the reason for accessing a BWC recording in Evidence.com. This is due to the sheer amount of daily access by the BWC Administrator. The BWC Administrator actions in the Evidence.com system will be audited by the internal Evidence.com audit structure. The TSD Commander and IT Officer will occasionally assist the BWC Administrator with account administration and/or daily work. In those cases the TSD Commander/IT Officer are also exempt from the requirements for notating the reason for accessing a BWC recording in Evidence.com.
8. The BWC Administrator will process all MDPIA requests, Court Orders, and Subpoenas that are related to requests for BWC video provided that the requests are in accordance with applicable law.
9. The BWC Administrator will be responsible for the redaction of information that is treated confidential as a matter of law to include, but not limited to nudity, officers notes if documenting pertinent witness information, Unrelated witnesses and tags, Officers MDT's and cellular devices, undercover officers, confidential informants, medical or health related information, and social security numbers etc.

.55 PUBLIC RELEASE OF BWC RECORDINGS

2. Authorization to view any BWC digital recording by any individual outside the Department shall only be granted by the Chief of Police except as officially ordered by the Court. Prosecutors and/or other official representatives of the criminal justice system who are acting in their official capacity may view BWC digital recordings. Each time a video is reviewed a permanent record is made in Evidence.com of who and when the video was accessed.

3. Requests from the public to view or to obtain a copy of any BWC digital recording shall be handled in accordance with requests for public information. When deemed necessary and prior to the showing or distribution of a BWC digital recording, the Frederick Legal Department will review the request for public information and advise the Chief of Police as to its validity. In the event a vehicle stop or other incident recorded on BWC is to be released to the public, the officer(s) depicted in the video will be notified that the digital recording is being released or viewed by the public (BWC digital recordings viewed in court or as part of a public hearing are excluded).
3. The Frederick Police Department is committed to the timely release of body worn audio and video recordings in incidents deemed to be Events of Significant Public Interest. (ESPI)
4. Events of Significant Public Interest include the following;
 - A. Officer-involved shootings, including intentional discharges where the individual is not struck by gunfire.
 - B. Any police use of force resulting in death or critical injury to any involved party including suspect, victim, witness, bystander, or police officer.
 - C. Death or critical injury occurring while an individual is in the custodial care of the Frederick Police Department, regardless of whether force was used.
 - D. Any other encounter likely to garner significant public attention, where the Chief of Police determines public release of video is in the public interest.
5. With limited exceptions outlined below, public releases will occur within 30 days or less of the date of the ESPI incident.
6. Exceptions to the above 30 day rule:
 - A. FPD as Assisting Agency - In ESPI's where the Frederick Police Department is providing mutual aid assistance to another agency, body worn camera footage recorded by FPD officers will only be released with permission of the agency having primary jurisdiction over the incident.
 - B. Cases Involving Criminal Prosecution – The Frederick Police Department understands and values the need for transparency, and the benefits of releasing video footage of an ESPI. However, in ESPI cases involving a criminal prosecution, concerns may exist surrounding jury selection and the ability of a defendant to receive a fair trial if video evidence is prematurely released into public domain.
7. If it is determined that public release is not likely to adversely affect an ongoing investigation or criminal proceeding the video footage shall be released within 30 days.
8. In the event the investigating or prosecuting authorities request a delay in public dissemination, that request will be submitted in writing by the investigating or prosecuting authority to the Chief of Police detailing the request for the delayed release.
9. The Chief of Police, in consultation with the City of Frederick Legal Department, shall make the final determination whether to delay or deny release of any video or audio recording.

10. OAG IID Cases – Maryland State Law dictates that in all cases where police use of force results in the death of an individual or when any person dies while in the custodial care of law enforcement, the MD Office of the Attorney General’s Independent Investigative Division (IID) shall have jurisdiction over the investigation.
 - A. It is generally the policy of the IID to release body worn camera video within (14) days of the date of incident. However, the IID may delay release of video due to an ongoing investigation.
 - B. In all cases where the OAG has jurisdiction the IID shall make the final determination as to the time and manner of any public video release.
11. Positive Interactions with FPD – The Chief of Police may authorize public dissemination of body camera video depicting positive, non-investigatory interactions between police officers and community members. In such cases, the 30-day rule shall not apply. In these cases, notice shall be given to FPD employees and consent shall be obtained from members of the public prior to release of video.
12. Publicly disseminated audio/video may be released during a press conference or media availability session and will be conducted by the Chief of Police or his/her designee. Alternatively, audio/video maybe released in the form of a pre-recorded video presentation, providing context to the incident.
 - A. Any audio/video publicly released in this manner will be posted to the City of Frederick website for 30 days, after which it may be removed. Videos released under MD PIA will not be posted to the city website unless specifically requested by the Chief of Police.
 - B. Most ESPI’s elicit a significant law enforcement response that is likely to result in hours of duplicative body worn camera footage. As such, publicly released footage may be in the form of a compilation that shows the actual ESPI but need not include every video recorded at the scene or videos in their entirety.
13. Any member of the Frederick Police Department directly involved in an ESPI, to include their chain of command, shall be afforded the opportunity to view the video prior to public dissemination. This will only take place after any initial statements or interviews of the member have been conducted as outlined in this order.
 - A. In the event of a fatal injury caused by a member of the Frederick Police Department or the fatal injury of a member of the Frederick Police Department, the immediate family of the deceased will, if feasible, be afforded the opportunity to view the video prior to public release.
 - B. All private or advanced viewings will take place at a secure location approved by the Chief of Police. Cellular phones, cameras, and any other audio or video recording capable devices are strictly prohibited in the viewing area during this time.
14. Prior to any public release, measures will be taken to blur or otherwise redact images of victims, witnesses, juveniles, and confidential sources in according with FPD policy and MD state law. Measures will also be taken to blur or redact any graphic content to include nudity, severe injuries, or other content likely to be disturbing to viewers.

15. Prior to any public release measures will be taken to protect the location of any residence of witnesses or victims, including but not limited to blurring images of addresses and personal effects, photographs, identifying information inside of a residence, business, or other location.
16. All video will be reviewed prior to release by the BWC Administrator or his/her designee.
17. Under no circumstances will audio or video be released that includes any investigative interviews.
18. Additional redactions may be made in accordance with provisions of the MD Public Information Act.


.60 REPRODUCTION OF BWC DIGITAL RECORDINGS:

1. All BWC digital recordings are the property of the Frederick Police Department and are subject to all rules which govern the use and disposal of any departmental property. In addition, BWC records are official departmental records subject to the same restrictions placed on other official records/reports.
2. No copies or reproductions of recordings, pictures, audio, or any media recorded on a BWC can be produced by any method without the express permission of the Chief of Police.
3. In the event any departmental member requires a copy of a digital recording for any official law enforcement related reason other than as evidence in a traffic or criminal proceeding, such as for training purposes or performance evaluation, administrative investigations; they shall request a copy in writing via official channels through the Chain of command to the Technology and Services Division Commander. The request will state the specific incident to be copied and the specific reason for the copy of the digital recording.
4. The routing of requests by non-departmental persons shall be in accordance with the type of request. For police records requests the request shall go through the Records Section as would any other request for copies of records. All PIA requests will be logged according to agency policy and forwarded to the BWC Administrator. Discovery requests by subpoena duces tecum will be provided to the agencies court liaison and forwarded via PowerDMS to the BWC Administrator.
5. The BWC Administrator shall be responsible for reviewing all of the above-mentioned requests and providing the requested recording or a reason for denial to the requestor.
6. Because BWC digital recordings are official departmental records/documents, they are regulated by the same restrictions placed on other official law enforcement reports or records. Copies of BWC digital recordings shall only be released upon written authorization from the Chief of Police. The BWC Administrator, or his designee, shall be responsible for duplicating and distributing any copy of a BWC digital recording and shall handle all requests as outlined in this Order.
7. All fees associated with the distribution of BWC recordings are set by the Mayor and Board of Alderman.

.65 INTERNAL ACCESS AND REVIEW OF BWC DIGITAL RECORDINGS:

1. Officers may review videos prior to completing reports, administrative paperwork, or statement of charges. With the implementation of WiFi upload officers are no longer able

to review their videos using the AXON View app. If an officer is reviewing their own video for reasons outlined above, they do not need to document the reason why. If an officer requests access to another officer's video in the Evidence.com platform they will enter the reason for the request and if approved they will document that reason in the notes section when viewing. (see example below)

DESCRIPTION 

(no description entered)

NOTES

No notes have been posted yet

Viewed for training and to use as example in GO

POST NOTE

2. Officer's will not review videos after an Officer involved shooting or a known in custody death until after making an initial statement ([GO 720,"Deadly Force Guidelines and Investigations,"](#) Section .60 D). The primary purpose of this is to protect the officer from influence on their original perceptions that lead to their decision process in using deadly force. This also enhances transparency in the investigation in the eyes of the public. The officer will be allowed to review the video before making a detailed written statement.

3. Supervisors and the Chain of Command may review any BWC video as part of quality control management, use of force evaluation, to answer citizen inquiries about an incident, to critique a recorded incident with personnel, as part of an administrative investigation or as a training tool for roll call/in-service/specialized training. Supervisors will record in the notes section the reason the video was reviewed. (see example below)

Supervisors are prohibited from viewing BWC video for the sole purpose of initiating a complaint or disciplinary action for policy violations against an officer. Personnel observed violating policy or other performance matters observed during supervisor or command review of BWC video as authorized in this GO may be subject to the complaint, investigation, and/or discipline process in accordance with GO 1650 and GO 1620.

4. BWC recordings may be used as a basis for discipline. When BWC recording(s) are used as part of the internal investigation, the officer under investigation will be afforded the opportunity to review the BWC recording(s) related to the incident being investigated administratively with his or her selected representative.

.70 RETENTION AND STORAGE BWC DIGITAL RECORDINGS:

1. Once uploaded BWC recordings are stored on Evidence.com for a period of ninety days prior to automatic deletion unless categorized for evidence or administrative retention. Videos assigned a retention category will be retained until according to the schedule below.

Retention Category	Retention Time
Evidentiary	Indefinitely until manually deleted.
Officer Injury	Indefinitely until manually deleted.
Pending Review	Indefinitely until manually deleted.

Potential Complaint	Indefinitely until manually deleted.
Training	Indefinitely until manually deleted.
Traffic Stops	Indefinitely until manually deleted.
Use of Force	Indefinitely until manually deleted.

2. Videos maintained for evidence will be retained per guidelines in G.O. 833, "Evidence and Property Control," and Records SOP-085, "Property/Evidence Disposal Guidelines."
3. Administrative videos will be maintained per the guidelines of PSD or training.

.75 ENHANCED BWC FEATURES

1. The AXON Body 4 camera comes equipped with enhanced features including live streaming, 2-way communication, location services, and AXON signal.
2. Live Streaming and two-way communication services are only active when a user is recording video. Access to these services is made through the Evidence.com Fuses Page or the Axon Respond application. Live streaming and two-way communication can be utilized for the situations listed below:
 - A. If the officer asks to be watched and requests so via the "watch me" button on the camera
 - B. Preplanned search & seizure warrants and other events approved by the assigned commander
 - C. Critical Incidents or other incidents involving a substantial higher level of risk to the officer such as a use of force.
 - D. By Communications or the patrol supervisor / on duty commander when an officer cannot be reached by normal procedure such as not answering the radio.
3. Location services are only active when a user is recording video. Once a user stops recording video, location services are no longer active. The last known location during the recorded video will be visible on the Evidence.com Fuses page or Axon Respond application. The use of location services is intended for officer safety purposes.
4. Supervisors and commanders will be trained in the use of these enhanced BWC features and have available the ability to use Evidence.com Fuses and the Axon Respond application. The Live Streaming function shall not serve as the sole basis for operational decisions and will not replace an on-scene incident commander, except in rare and exigent circumstances where immediate action is necessary.
5. Signal features will link both the Officers departmental handgun and Taser if equipped to the BWC. Removal of the officer's handgun from holster will trigger the Signal device resulting in activation of the BWC. Further, Taser devices will also activate BWCs when set to on, spark tested, or triggered.
6. The TSD Commander has the ability to modify enhanced features upon request and approval of the Chief of police in special operations situations. All users will be notified prior to any changes of features outlined in this order.

.80 EVIDENCE.COM USE AND ACCESS

1. Evidence.com can only be accessed by officers who have been authorized by and been issued login credentials from the Technology and Services Division;

2. Officers will only be able to access their own video recordings;
3. Investigative group members will have access to all non-restricted videos;
4. Commanders and supervisors will have permissions to view all video recordings;
5. Evidence.com maintains an audit trail of access, sharing, editing, and livestreaming of video; and,
6. Maintains original unedited video.

.85 DEMONSTRATION OF BWC:

With the approval of the on-duty supervisor, personnel may “stage” an event and demonstrate BWC to interested parties. If an event is “staged” for demonstration purposes, personnel shall indicate on the recording the fact that the incident is being staged for demonstration purposes.