

WESTMINSTER POLICE DEPARTMENT

General Order #: 6-02

Subject: **BODY-WORN CAMERA PROGRAM**

Effective Date: November 16, 2020

This General Order contains the following numbered sections:

- I. POLICY
- II. DISCUSSION
- III. DEFINITIONS
- IV. STATUTORY AUTHORITY
- V. IMPLEMENTATION
- VI. OPERATIONAL PROCEDURES
- VII. ACTIVATION
- VIII. PROHIBITED USE
- IX. SECURITY
- X. BWC DATA REVIEW
- XI. STORAGE & RETENTION

I. POLICY

The Westminster Police Department (WPD) utilizes body-worn cameras (BWCs) to document evidence and to accurately record interactions between sworn personnel (members) and members of the public. Members who are assigned a BWC shall utilize it for their official duties within the parameters of this policy and consistent with Maryland law.

II. DISCUSSION

Body-Worn Cameras:

- A. Allow for accurate documentation of police-public contacts, arrests, and critical incidents.
- B. Enhance the accuracy of incident reports and court testimony.
- C. Protect members from false allegations while they perform their duties.
- D. Allow for review of probable cause and investigative evidence.
- E. Promote police transparency and enhance community trust.
- F. May be used to document crime scenes or other events that involve evidence or contraband.
- G. Lack the member's perception at the time of the event.

III. DEFINITIONS

- A. **BODY-WORN CAMERA (BWC):** A camera system, worn by a police officer who is either in uniform or who is prominently displaying their badge and police insignia, that can record video and intercept oral communications.
- B. **PRIVATE CONVERSATION:** A conversation during which at least one of the parties to the conversation has a reasonable expectation of privacy.

IV. STATUTORY AUTHORITY

- A. Maryland Annotated Code, Courts & Judicial Proceedings § 10-402 makes it lawful for a police officer, during 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 police officer is in uniform or prominently displaying the officer's badge or other insignia.

2. The police officer is making reasonable efforts to conform to standards in accordance with subsection 3-511 of the Public Safety Article for the use of body worn digital recording devices.
 3. The police officer is a party to the oral communication.
 4. The police officer notifies, as soon as practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so, and
 5. The oral interception is being made as part of a videotape or digital recording.
- B. Maryland Statute also makes it lawful for a police officer to intercept an oral communication where the officer is party to the communication and where all parties to the communication have given prior consent to the recording.

V. IMPLEMENTATION

- A. Subject to availability, the Department will provide BWCs for uniformed members in operational assignments and for other members in operational assignments who prominently display their badge and an outer garment with an official police insignia.
- B. The Department will provide BWC training to its members to include operation of the BWCs, review of BWC policy, and effective notification to individuals being recorded. Members shall not utilize a BWC until they have completed this training.
- C. Members shall only use BWCs in accordance with WPD training and policy.
- D. The Chief of Police will appoint a BWC Coordinator. The BWC Coordinator is responsible for administration and operation of the BWC program.

VI. OPERATIONAL PROCEDURES

- A. Members shall only use BWCs for official law enforcement duties. Members shall only use Department-issued BWCs. Members shall only use BWCs while in uniform or while prominently displaying their badge and an outer garment with an official police insignia.
- B. Members shall charge their BWC prior to beginning their shift. Members shall change the BWC battery when it gets critically low and shall replace broken BWCs as soon as possible.
- C. At the beginning of each shift, members shall perform a BWC function test.
- D. Members shall immediately report any BWC malfunction to their workgroup supervisor. Workgroup supervisors shall facilitate replacement or repair of the BWC with the BWC Coordinator. Members shall submit a memorandum to their workgroup supervisor when a BWC is damaged.
- E. Members shall wear their BWC consistent with WPD BWC training.
- F. Members shall not allow citizens to review BWC recordings while on-scene.
- G. The primary investigator shall document in their incident report narrative the name of each member who had their BWC activated during that incident. Members shall document the existence of BWC recordings in their charging documents and in their incident reports when the event results in a police report.
- H. Members shall upload BWC footage in the docking station by the end of each shift unless the workgroup supervisor grants an exception. Members shall tag and categorize the recording at the time of upload.
- I. Workgroup supervisors may upload BWC footage for members based on an exigent circumstance.
- J. Workgroup supervisors shall document and report any problems or discrepancies regarding BWC footage immediately to the BWC Coordinator and to their bureau commander.
- K. The BWC Coordinator shall select and review five (5) BWC events monthly to ensure that members are utilizing the BWC system properly.

- L. Workgroup supervisors and commanders in the member's chain of command shall review BWC footage related to **use of force**, motor **vehicle pursuits**, **departmental collisions**, **arrest, detention, and warrantless search reviews**, and **citizen complaints** as part of those administrative review processes. Workgroup supervisors and commanders **shall not randomly review** BWC footage for performance review.
- M. Members wearing their Class A uniform, attending judicial proceedings, conducting training or other non-investigative/enforcement functions, and Criminal Investigations Bureau (CIB) detectives are not required to wear a BWC. The CIB Commander shall create standard operating procedures for use of the BWCs by CIB members under appropriate circumstances.

VII. **ACTIVATION**

- A. Members shall activate their BWCs:
 - 1. During encounters with citizens that are **investigative** or **enforcement-related** in nature.
 - 2. As soon as practical at the onset of an event to capture as much of the event as possible.
 - 3. Prior to exiting their cruiser when responding to a call for service.
 - 4. When operating their cruiser in an emergency manner and during a vehicle or foot pursuit.
 - 5. As soon as practical after developing reasonable suspicion or probable cause for a traffic stop, investigative detention, or arrest.
 - 6. During custodial transports of arrestees and suspects.
 - 7. When conducting a search other than a strip search.
 - 8. During any encounter with a citizen that becomes confrontational.
 - 9. When a consensual encounter transitions to a field interview, investigative detention, or arrest.
 - 10. When conducting interviews, interrogations, and mental health interventions.
- B. When not otherwise prohibited by law or policy, members may activate their BWC when circumstances would be beneficial to the public interest.
- C. When danger or another legitimate reason prevents members from activating their BWC at the onset of an event, they shall activate it as soon as the danger is mitigated, and it is practical to do so. They shall document the reason for delay in their incident report or in the CAD notes.
- D. When working uniformed secondary employment details, officers shall only activate their BWC when engaged in law enforcement related encounters as authorized under this policy.
- E. Unless unsafe or not practical, members shall notify individuals that they are being recorded. They shall state "**Our interaction is being video and audio recorded by my body camera.**" This notice provision is satisfied even if another individual becomes a party to the communication after the notification.
- F. Members have no obligation to stop recording when a citizen requests them to do so when recording an event authorized by policy. However, members may use discretion when appropriate. Members shall record the citizen's request to terminate the recording and shall state the reason on camera.
- G. When a citizen wishes to make a statement, but refuses to do so on camera, members may stop recording. Prior to turning off their BWC, they shall state the reason.
- H. Once members have activated their BWC, they shall not deactivate or mute the recording until:
 - 1. The event has fully concluded; or
 - 2. The officer leaves the scene and anticipates no further involvement; or

3. A supervisor has authorized termination based on the fact that the officer is no longer engaged in an enforcement or investigative activity; or
 4. Individuals wish to share information but refuse to do so while being recorded. Members may turn off the BWC to obtain the statement or information.
- I. Members shall keep their BWC activated until the event is complete to ensure the integrity of the recording unless they move into an area or circumstance restricted by policy.
 - J. Prior to turning off their BWC, members shall make a statement on camera noting the reason.

VIII. PROHIBITED USE

- A. BWCs shall not be used:
 1. In locker rooms, dressing rooms or restrooms.
 2. In private areas of a medical facility and during medical or psychological treatment.
 3. During interactions with undercover officers or confidential informants without their consent.
 4. Within 500 feet of a suspected explosive device.
 5. During a strip search.
 6. During routine administrative communications with other police personnel.
 7. During non-work-related personal activity.
 8. In the courthouse, except with the express permission of the Local Administrative Judge or presiding judge.
- B. Members must obtain consent prior to recording an interview with the victim of a sex offense. They shall document this consent and record the consent on camera.

IX. SECURITY

- A. Members shall not share their BWC login information or password with another individual.
- B. Members shall only access the BWC system with their own credentials furnished by the BWC Coordinator.
- C. Members shall not access, copy, or disseminate BWC files for non-law enforcement purposes unless authorized by the Chief of Police or the BWC Coordinator.
- D. Except as authorized by WPD policy, members shall not copy, release, alter, erase, or allow unauthorized viewing of a BWC recording.

X. BWC DATA REVIEW

- A. BWC equipment and recordings are the property of the Westminster Police Department.
- B. Members may review their own recordings and recordings shared by other officers for the following purposes:
 1. To ensure the system is working correctly.
 2. Charging document and incident report preparation.
 3. Court preparation.
 4. Review of prosecution evidence.
 5. Review of victim/suspect/witness statements.
 6. Crime scene observations.

7. To clarify observations at the scene of an incident.
- C. Workgroup supervisors and commanders may review BWC recordings for the following purposes:
1. For the purposes listed under Section B.
 2. Complaint resolution and internal investigation.
 3. As part of the administrative review process conducted for a use of force, vehicle pursuit, arrest & release, investigative detention & warrantless search, and departmental collision.
 4. As part of a formal performance improvement plan.
 5. When an officer is injured in the line of duty.
 6. As part of a formal incident critique.
 7. For positions with designated authority to conduct audits and policy compliance checks.
 8. For positions with designated authority to pull and review footage for evidence discovery purposes, to fulfill proper records requests, and to conduct other BWC program administrative responsibilities.
 9. To further collaborate operational needs.
- D. The following entities may review certain BWC recordings upon proper request, submitted to and approved by, the BWC Coordinator.
1. Prosecutors and their staff with appropriate jurisdiction.
 2. Legal Counsel representing the City of Westminster and City staff.
 3. Requests received through any legitimate judicial process, such as *subpoena duces tecum*.
 4. Citizen and media requests via applicable public records laws.
- E. Supervisors shall not review BWC recordings for the sole purpose of routine performance review or to search for actions that could lead to discipline.
- F. The following are **prohibited** uses of BWC data:
1. A BWC recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
 2. Stored BWC data shall not be used to create a database or pool of mug shots.
 3. Stored BWC data shall not be used as fillers in photo arrays.
 4. Stored BWC data shall not be used to search using facial or voice recognition software.
- G. This subsection does not prohibit the WPD from using recognition software to analyze the recording of an incident when a supervisory member has reason to believe that a specific suspect or person in need of assistance may be the subject of the recording.
- H. As long as reviewing of a BWC recording, as determined by the Attorney General or local States Attorney, does not impact the integrity of an investigation or negatively impact a criminal investigation, the recording may be reviewed by medical or mental health professionals consulted by the law enforcement agency for the limited purpose of addressing the officer's medical or mental health needs resulting from a critical incident.

XI. STORAGE & RETENTION

- A. Members shall securely download all files no later than the end of each shift unless granted an extension by a supervisor. Each file shall contain information related to the date, BWC identifier, and the assigned officer.

- B. All images and sounds recorded by the BWC are the exclusive property of the WPD. Members shall not access, delete, modify, copy or release files for non-law enforcement purposes.
- C. The Chief of Police or the BWC Coordinator must first approve any access to BWC data (images, sounds, and metadata). The Department shall audit access to BWC data to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- D. The BWC WatchGuard Evidence Library has an audit system which documents the date and time the footage is viewed, by whom, and the action taken.
- E. Files will be securely stored in accordance with State records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. The WPD will archive BWC recordings according to the following schedule:
 - 1. Test – 30 days
 - 2. Routine Traffic, Non-Criminal, and Miscellaneous – 18 months
 - 3. Prisoner Transport - 3 years
 - 4. Misdemeanors (including Serious Traffic) – 5 years
 - 5. Felony and Search Warrant – 10 years
 - 6. Homicide and Rape – 20 years
 - 7. Use of Force - Indefinite

Authority:



Thomas Ledwell
Chief of Police

Appendix [Quick Reference Guide](#)