

## **5 / 401.05 POLICY**

It is the policy of this Department to operate In-Car Video Cameras and Audio Recording devices in Department vehicles.

## **5 / 401.10 PURPOSE**

The Department will utilize In-car Video and Audio Recording system for the purpose of accurately documenting events, actions, conditions and statements made during citizen contacts, arrests and other critical incidents.

## **5 / 401.15 DEFINITIONS**

Officer	City of Laurel Police Officer
VAR	In-Car Camera Video and Audio Recording System
Video Recording	In-Car Camera Video and Audio Recording System

## **5 / 401.20 PROPCEDURES**

### **A. LEGAL CONSIDERATIONS**

1. Maryland State law makes it unlawful, with some exceptions, for any person to intercept, endeavor to intercept, disclose or endeavor to disclose, use or endeavor to use any audio communication unless all parties to the communication have given prior consent to having the audio recording made.
2. Maryland State law does not restrict or place consent requirements on video recordings made without audio.
3. Officers shall not utilize the video recording system to make audio recordings unless consent is obtained or the audio recording is made pursuant to the exceptions noted in this General Order under section 5-401.20.A.4.
4. Exceptions to Maryland State law that allows the recording of both video and audio recordings without the consent of the parties to the conversation.
  - a. An officer may make an audio recording if all of the following apply:
    - 1) The officer initially detained a vehicle during a criminal investigation or for a traffic violation;
    - 2) The officer is a party to the oral communication;
    - 3) The officer has been identified as a law enforcement officer to the other parties to the oral communications prior to any interception;
    - 4) The officer informs all other parties to the communication of the interception at the beginning of the communication; and
    - 5) The oral interception is being made as part of video recording.

### **B. OPERATION OF THE VIDEO RECORDING SYSTEM**

1. The use of the video recording system by officers who operate vehicle so equipped is mandatory.

Laurel Police Department – General Order  
Chapter V, Section 400, Order 401 – In-Car Cameras  
March 10, 2013

2. Officers will wear the audio recording transmitter on their person, in a location that allows clear transmissions, at all times while on duty.
3. Officers should attempt to keep the video camera positioned in the same manner as when it was installed.
4. The video recording is automatically activated whenever:
  - a. Emergency lights are activated
  - b. Vehicle collision detector is activated
  - c. Remote microphone transmitter is activated
  - d. Speed of vehicle
  - e. Manual activation in the vehicle

C. TRAFFIC STOPS

1. Officers will make video and audio recordings of all traffic stops and vehicular pursuits
2. Whenever possible, the recording will capture the entire stop, starting when the decision is made to pull over the violator and ending after the violator has left the scene.
3. At the beginning of every traffic stop, the officer shall notify the person(s) stopped that they are being audibly and visually recorded.
  - a. The officers statement shall be similar to the following example:
    - 1) "Hello, I am (rank and last name) of the Laurel Police Department. I stopped you for (violation). We are being visually and audibly recorded. May I please see your driver's license and vehicle registration?"

D. EQUIPMENT

1. Only Department authorized camera and audio equipment will be installed in Department vehicles.
2. Body Microphone
  - a. The wireless remote microphone transmitter has a microphone built with the transmitter.
3. Vehicle Microphone
  - a. The internal microphone allows audio recording of normal speech with the interior of the vehicle independent of the remote audio transmitters.
  - b. It will actively record whenever the system is in the record mode.
4. Cameras
  - a. The mounting device for the front camera allows for manual adjustment vertically and laterally.
  - b. Officers shall ensure cameras are positioned properly for each incident where a recording is being made.
  - c. Officers shall insure that no items are obstructing the view of the camera.

E. SITUATIONS FOR USE

1. Officers operating in-car camera equipped police vehicles will ensure that the VAR is activated to record:

Laurel Police Department – General Order  
Chapter V, Section 400, Order 401 – In-Car Cameras  
March 10, 2013

- a. All field interviews conducted within camera range
  - b. Drug activity in camera range
    - 1) Prior consent to audio-tape required
  - c. Prisoner transports
  - d. Vehicular pursuits
  - e. Contact with hostile and/or disorderly individuals
  - f. All traffic stops
    - 2) Prior consent to audio-tape is required - refer to this General Order
  - g. Contacts with the public
    - 1) Prior consent to audio recording is required - refer to this General Order
2. Officers are authorized to manually begin or end the VAR to document the driving performance of a motorist that may provide probable cause for a traffic stop or arrest.

G. VAR

1. Reviewing VAR
  - a. The Office Chief of Police and/or the Office of the Deputy Chief of Police may review stored VAR recordings at any time.
  - b. The Patrol Division Commander shall review at once every other month, at random, selections of stored video recordings to assess patrol activities.
  - c. The Office of Professional Standards, Internal Affairs, may review VAR recordings for investigative purposes.
2. Requests for Copies of VAR
  - a.
  - b. VAR recordings will not be duplicated except for official purposes.
    - 1) All VAR generated by the Department are the property of, and under control of the Department unless a court of law dictates otherwise.
  - c. Requests from outside agencies and/or individuals
    - 1) Only the Office of the Chief of Police may approve the release of copies of VAR recordings.
    - 2) All requests for VAR require a subpoena duces tecum from the appropriate court of jurisdiction.
      - a) Exceptions
        - I. The Local Government Insurance Trust
        - II. Law Enforcement Agencies
    - 3) All requests for copies of a recording(s) from other than those Department personnel listed in section 4/504.20.G.2.d.1 must be in writing and directed to the Chief of Police.
      - a. The request must be made at least thirty (30) days in advance of date needed.
    - 4) All requests shall be forwarded to the City of Laurel Solicitor's Office for review and approval.
  - d. Internal requests and use
    - 1) The following may request copies
      - a) The Office of the Chief of Police
      - b) The Office of the Deputy Chief of Police
      - c) The Office of Professional Standards, Internal Affairs

Laurel Police Department – General Order  
Chapter V, Section 400, Order 401 – In-Car Cameras  
March 10, 2013

- 2) The VAR system is not intended to be used as a disciplinary tool against personnel for minor infringements of policies or procedures.
  - 3) Command Personnel will not arbitrarily review for the purposes of identifying minor infractions of Department policies or procedures.
    - a) However, when cases of misconduct and/or repetitive negative behavior are brought to the attention of the Department the video film may be reviewed and be used as the basis for performance counseling or disciplinary action.
  - 4) The Department may use video recordings for training and other purposes with the approval of the Chief of Police or the Chief of Police's designee.
  - 5) All intra-Department requests for copies must be made to the appropriate Bureau and/or Division Commander at least fourteen (14) days in advance of when needed.
3. Handling of VAR to be used as Evidence
- a. Only the following individuals are permitted to make copies of recorded incidents
    - 1) Command Personnel
    - 2) The Office of Professional Standards, Internal Affairs
  - b. If the recording does have evidentiary value, the copied recording shall be retained on a 'Read Only Disk' (CD) and
    - 1) Sealed in a heat sealable plastic evidence bag
      - a) Adhere to all Department policies regarding the labeling, packaging, and submission of evidence.
        - i. Refer to General Order 4/705.
    - 2) Submitted to the Evidence/Property Custodian bearing a label indicating:
      - a) Case Number of incident;
      - b) Date and time frame covered by the recording;
      - c) Vehicle identification number of the police vehicle from which the recording was removed; and
      - d) The nature of the evidence recorded.
4. VIDEO DATA DUPLICATION
- a. All recordings produced by the Department recording equipment are the exclusive property of the City of Laurel Police Department.
  - b. Recordings will only be duplicated for official purposes.

**H. INSTALLATION, MAINTENANCE AND CARE**

1. The City of Laurel Information Technology (IT) Department shall be responsible for the management of all installations, maintenance, repairs or modifications of the VAR equipment.
  - a. Only digital mobile video and audio recording equipment acquired by the Department will be installed in Department vehicles.
2. IT shall maintain retention of non-evidence VAR recordings for at least a period of one hundred and eighty-one (181) days from the date of recording.
  - a. IT shall maintain a log of all recording and destruction dates.
3. IT shall be responsible for the management of VAR software and maintenance of upload locations and storage areas.

Laurel Police Department – General Order  
Chapter V, Section 400, Order 401 – In-Car Cameras  
March 10, 2013

- a. Upload locations.
  - 1) City of Laurel Police Department building
  - 2) City of Laurel City Hall building
  - 3) Public Works Department
4. Only authorized personnel will install, repair and/or modify VAR equipment
5. Department unit responsibility
  - a. Division Commanders will ensure that officers, who are assigned vehicles equipped with VAR, use the equipment according to this order.
  - b. Officers, assigned VAR, are responsible for the proper care of the equipment in conformance with its operating manual recommendations.
  - c. Supervisors will visually inspect the VAR system and test the equipment for proper functions as part of the required vehicle inspections
    - 1) Supervisors will forward any VAR equipment issues to IT immediately via an e-mail to the help desk.
  - d. VAR will be used for official business only and consistent with Department policies and procedures.
  - e. Officers will review the VAR a minimum of once each shift to ensure the quality of the VAR equipment.

#### **5 / 401.25 GOVERNING LEGISLATION AND REFERENCES**

Maryland Code, Courts and Judicial Proceedings, Title 10. Evidence, Subtitle 4. Wiretapping and Electronic Surveillance, Section 10-402, Subsection C (4) (i).  
CALEA Standards 1.2.3 / 41.3.8 / 82.1.3 / 83.2.2 / 83.3.1 / 84.1.1 / 84.1.7

#### **5 / 401.30 ANNEX**

None