

	GAITHERSBURG POLICE DEPARTMENT			
	Audio/Video Digital Recording Systems			
	GENERAL ORDER	619.2		Related CALEA Standards:
	Effective Date	03/30/2016		1.2.4, 41.3.8, 61.1.8, 82.1.1, 82.2.1, 83.2.1, 83.2.2, 84.1.1
Authorized by:		Mark P. Sroka CHIEF OF POLICE	SIGNATURE <i>Mark Sroka</i>	DATE 03/30/2016

I. PURPOSE

The purpose of this directive is to establish Departmental policy concerning the lawful use of audio/video recording equipment that is installed in police vehicles. Procedure is outlined that provides direction for utilizing these systems in a manner that is in accordance with §10-402 of the Courts and Judicial Proceedings Article, Maryland Annotated Code.

II. POLICY

Consistent with budget limitations and operational needs, the Department equips police vehicles with an audio/video digital recording system. These systems are intended to capture accurate records of police encounters with citizens, when lawful to do so. Audio/video recordings often prove beneficial in the prosecution of offenders and also serve to defend officers against false accusations of improper conduct.

While consent must usually be obtained prior to initiating an audio recording, §10-402 of the Courts and Judicial Proceedings Article permits audio recording of encounters, without consent in some instances, such as certain vehicle stops, when the audio recording is made in conjunction with a video recording. Unless specifically indicated otherwise in this directive, consent will be obtained prior to initiating any audio recording of an encounter.

III. DEFINITIONS

A. Department Vehicle

Within the context of this directive, the term “Department vehicle” refers to any motor vehicle owned by, leased, or assigned to the Gaithersburg Police Department, and is equipped with a working audio/video digital recording system.

B. Ready to Record

Within the context of this directive, the term “ready to record” refers to the audio/video digital recording system being properly connected to the vehicle power supply, all camera and microphone connections functionally attached and synchronized, all automatic device trigger

connections intact and properly set, recording media properly installed and seated, vehicle user logged into the device and cameras facing proper directions with a reasonably unobstructed view.

C. Traffic Violation

Within the context of this directive, the term “traffic violation” is defined as any violation for which a traffic citation, warning, or safety equipment repair order (SERO) could be issued.

IV. PROCEDURE

A. General Provisions

1. Absent equipment malfunctioning, the installed audio/video digital recording system will be in a state that is ready to record any time the Department vehicle is in use.
2. Section §10-402 of the Courts and Judicial Proceedings Article permits law enforcement officers, in the course of their regular duties, to audio record a person without first obtaining consent, under the following conditions:
 - a) The officer must have initially stopped a vehicle in the course of a criminal investigation, or for a traffic violation; and
 - b) The officer is a party to the oral communication; and
 - c) The officer has been identified as a law enforcement officer, to the other parties to the oral communication, prior to the conversation and recording; and
 - d) The officer informs all other parties to the communication of the fact that the conversation is being recorded; and
 - e) The audio recording is being made as part of a video recording.
3. Video is continually buffered to the recording media when the unit is ready to record. When activated, the captured video recording begins up to a minute prior to activation, and audio recording begins at the actual time of activation.
4. The audio/video digital recording system is designed to begin automatic audio and video recording when triggered by certain events. Automatic recording is triggered by:

- a) Activation of vehicle emergency lights;
 - b) Collision sensor activation; and
 - c) Speed sensor activation.
5. The audio/video digital recording system may also be manually activated by using the “record” button functions present in the software and/or camera/microphone hardware.
 6. Audio recording, utilizing both the external wireless and the internal wired microphones, initiates at activation. The microphones are capable of being toggled on and off, using the button functions present in the software and/or camera/microphone hardware.
 7. A video recording may only be stopped from the audio/video digital recording system’s display panel, or the camera itself, inside the vehicle.

B. Use of the Audio/Video Digital Recording System

1. Officers are responsible for advising citizens that they are being recorded, on audio and video, at the beginning of the interaction.
2. In instances where consent is required, officers will obtain consent prior to any audio recording of the interaction. Once consent is granted, audio recording may begin. At the beginning of the audio recording, consent will be requested once more, so that it may be documented in the recording.
3. In any interaction that is video recorded using the audio/video digital recording system, audio may be included with consent of the parties being recorded, if it is of investigative value or has prosecutorial merit.
4. When operating vehicles that are so equipped, audio and video recording is mandatory for all traffic stops affected or attended by officers of the Gaithersburg Police Department.
5. When approaching a vehicle that has been stopped in the course of a criminal investigation or for a traffic violation, audio will be made part of the audio/video digital recording system’s record of the interaction. Officers will ensure that the wireless microphone is activated and able to record these interactions.

6. To satisfy conditions for audio recording that are set in §10-402 of the Courts and Judicial Proceedings Article, and in the interest of uniformity, officers shall clearly and courteously state the following to a stopped motorist:
 - a) An appropriate greeting; and
 - b) The officer's title, name, and name of this Department; and
 - c) The reason(s) for the stop; and
 - d) That an audio and video recording is being made of the interaction.
7. When possible, officers initiating traffic stops while outside of the vehicle will point the camera at the location most likely to capture the stop on video. Audio recording will be made as with any other traffic stop.
8. When operating a vehicle that is so equipped, the audio/video digital recording system will be used for audio and video recording of all:
 - a) Vehicular pursuits;
 - b) Prisoner transports;
 - c) Hostile or disorderly groups within camera range (where there is no reasonable expectation of privacy);
 - d) Canine scans/searches and vehicle searches.
9. Officers will use the audio/video digital recording system's video recording function to document all field interviews and drug activity that are reasonably within camera range. Audio recording may accompany these video recordings, if consent for audio recording is given by the other parties.
10. Automatic triggers and the wireless microphone activate recording using both the forward facing and rear facing cameras. Cameras will be activated whenever transporting a person in custody.
11. All persons in custody, who are transported in a vehicle equipped with an audio/video digital recording system, will be advised that they are being recorded on audio and video. Persons who are not in custody will be advised that they may be recorded (due to a required activation of the audio/video recording system); they will

not be transported without consenting to possible recording.

12. Notices will be conspicuously posted in both the passenger and prisoner compartments, advising that audio and video recording is in progress.
13. No audio or video recording shall be manually stopped until the officer's participation in the event has concluded, or consent is withdrawn in instances where consent is required.

C. Storage and Retention of Recordings

1. When an audio/video recording has ended, the system allows for the entry of information that identifies details of the recording. Officers will complete this information for each recording, so that it may be properly categorized for retention and retrieval. Officers will be permitted to amend the retention category at a later time, if discovered to have been incorrectly classified at the time of recording.
2. Data recorded on the audio/video digital recording system is transferred wirelessly for storage on a secure server maintained by the City's Information Technology Department.
3. Events classified as the following will be retained until purging is directed by the Command Staff:
 - a) Pursuit;
 - b) DUI;
 - c) Criminal;
 - d) Use of Force; and
 - e) Evidence.
4. Events of a critical nature and events useful for training purposes may be maintained indefinitely.
5. All other events will be purged after 180 days.

D. Access and Review of Data

1. The system's storage server is password protected; the audio/video digital recording system is only to be used for official law enforcement purposes.
2. Department personnel shall not, in any manner, attempt to modify, alter, erase or tamper with any audio or video recorded data.
3. Systems, storage devices and data contained therein are the

property of the Gaithersburg Police Department. Recorded data shall not be disseminated to anyone other than the State's Attorney's Office without the express permission of the Chief of Police.

4. Sergeants and corporals will ensure that data transfer is accomplished and will have access to review recordings made by personnel under their supervision.
5. Supervisors, including members of the Command Staff, will conduct a monthly review of at least three randomly selected in-car camera recordings initiated by each sworn person under his or her direct supervision whose issued vehicle is equipped with an audio/video digital recording system.
 - a) Reviews will include three different video classifications (if available).
 - b) Minor infractions discovered during routine reviews of the recorded material should be viewed as training opportunities and not as routine disciplinary actions.
 - 1) Should the behavior or action be repetitive after being informally addressed, the appropriate disciplinary or corrective action shall be pursued based on the Violation Matrix.
 - 2) Supervisors may document these types of issues into the Guardian tracking system.
 - c) The appropriate disciplinary or corrective action shall be pursued, based on the Violation Matrix, for serious infractions discovered during routine review of the recorded material. Serious infractions discovered will automatically trigger additional reviews as necessary.
 - d) Reviews will be completed by the 15th of the following month.
 - e) Additionally, recorded material will be reviewed as required of car crashes, complaints, uses of force, pursuits, significant events and as deemed necessary by Bureau Commanders.
 - f) Reviews will be documented on the In-Car Camera spreadsheet.
6. Recordings may only be reviewed by supervisors within the employee's chain of command, unless otherwise authorized by the

Chief of Police.

- a) All officers have the ability to see who has reviewed their videos in the Gaithersburg Reporting Services reports.
7. Officers are authorized to access and review their own recordings.

E. Obtaining Copies of Recordings

1. The State's Attorney's Office will have access to all recordings necessary for any court proceedings; therefore, all discovery requests will be directed to the State's Attorney's Office.
2. Bureau commanders will handle obtaining/providing copies of any recordings deemed necessary for administrative and/or training concerns.
3. Data is provided for official purposes only.

F. Training

1. New officers are trained in the use of the audio/video digital recording system during the field training program to include:
 - a) The policy of the department;
 - b) How to classify videos; and
 - c) How to review their videos.
2. Newly promoted Supervisors are trained on the required monthly review process during their Mentor Training.

G. Inspections and Maintenance

1. The audio/video digital recording system will be inspected and maintained in accordance with General Order 606.1, Department Vehicles and Equipment.