
	GAITHERSBURG POLICE DEPARTMENT		
	In-Car Video Camera System		
	GENERAL ORDER	619.2	
Effective Date	03/06/2024	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	DATE 04/17/2025

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1. PURPOSE

1.1. The purpose of this directive is to establish Departmental policy concerning the lawful use of the in-car video camera system that is installed in police vehicles. Procedure are outlined that provide direction for utilizing this system in a manner that is in accordance with §10-402 (c)(4) of the Courts and Judicial Proceedings Article, Maryland Annotated Code.

2. POLICY

- 2.1. Consistent with budgetary constraints and operational needs, the Department equips police vehicles with an in-car video camera system. This system is 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 serve to defend officers against false accusations of improper conduct.
- 2.2. While consent generally must be obtained prior to initiating an audio recording, §10-402(c)(4) 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.

3. DEFINITIONS

- 3.1. **Administrative Inquiry:** Within the context of this directive, the term “administrative inquiry” refers to an investigation of a violation of any provision or policy in a written directive or general order.
- 3.2. **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 in-car video camera system.
- 3.3. **Official Purposes:** Within the context of this directive, the term “official

purposes” refers to an action taken in direct connection with a law enforcement activity, prosecution of a criminal arrest, supervision of law enforcement personnel, an investigation of an officer’s actions due to an allegation of police misconduct as defined by Md. Code, Pub Safety § 3-101(g), and/or specific work performance.

3.4 Ready to Record: Within the context of this directive, the term “ready to record” refers to the in-car video camera system being properly connected to the vehicle power supply, all cameras functionally attached and synchronized, all automatic device trigger connections intact and properly set, recording media properly installed, vehicle user logged into the device and cameras facing proper directions with a reasonably unobstructed view.

3.5 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.

4. PROCEDURE

4.1. General Provisions

4.1.1. Absent equipment malfunctioning, the installed in-car video camera system will be in a state that is ready to record any time the Department vehicle is in use.

4.1.2. Section §10-402 (c)(4) 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:

4.1.2.1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;

4.1.2.2. The law enforcement officer is a party to the oral communication;

4.1.2.3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;

4.1.2.4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and

4.1.2.5. The oral interception is being made as part of a video tape

recording.

4.1.3. 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.

4.1.4. The in-car video camera system is designed to begin automatic audio and video recording when triggered by certain events. Automatic recording is triggered by:

4.1.4.1. Activation of vehicle emergency lights – activates front camera only (position 1 of the emergency light bar switch)

4.1.4.2. Opening of the right rear door – Prisoner transport area of the vehicle – activates all cameras

4.1.4.3. Collision sensor activation (G-Force Sensor); or

4.1.4.4. Axon Signal Device (Body Worn Camera - BWC, Signal Sidearm, Taser as described in General Order 619.4 Body Worn Cameras.)

4.1.5. The in-car video camera system may also be manually activated by using the “record” button functions present in the software and/or camera hardware.

4.1.6. A video recording may only be stopped from the in-car video camera system’s display panel, or the camera itself, inside the vehicle.

4.2. Activation and Use of the In-Car Video Camera System

4.2.1. Officers are responsible for advising citizens that they are being recorded, on audio and video, at the beginning of the interaction.

4.2.2. When operating vehicles that are so equipped, audio and video recording are mandatory for all traffic stops affected or attended by officers of the Gaithersburg Police Department.

4.2.3. 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:

4.2.3.1. An appropriate greeting; and

4.2.3.2. The officer's title, name, identification number and name of this Department; and

4.2.3.3. The reason(s) for the stop; and

4.2.3.4. That an audio and video recording is being made of the interaction (in-car video camera system and BWC).

4.2.4. When operating a vehicle that is so equipped, the in-car video camera system will be used for official law enforcement activity.

4.2.5. Officers will use the in-car video camera system's video recording function to document all field interviews and criminal activity that are reasonably within camera range.

4.2.6. Cameras will be activated whenever transporting a person in custody.

4.2.7. All persons in custody, who are transported in a vehicle equipped with an in-car video camera system, when practical, shall 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.

4.2.8. 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.

4.3 Deactivation of the In-Car Video Camera System

4.3.1 When the in-car video camera system is deactivated for any purpose described in this section, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.

4.3.2 In situations when community members, witnesses, crime victims or other parties wish to share information related to criminal activity, but refuse to do so while being recorded, officers will have the discretion to turn off the in-car video camera system during the interview.

4.3.2.1 The preference is to record such statements; however, it is recognized that such persons may be hesitant to provide information while being recorded due to a fear of retaliation, privacy concerns, or a feeling that the information is sensitive.

- 4.3.2.2 In such situations, the officer must record a brief verbal explanation for the deactivation, prior to stopping the recording.
- 4.3.2.3 For situations involving investigators conducting follow-up interviews, in which the interviewee, prior to the meeting, indicates they do not wish to be recorded by in-car video camera system, the investigator shall document the refusal in the case file.
- 4.3.3 The in-car video camera system may be deactivated during conversations with officers or supervisors during information sharing sessions where officer tactics are being discussed.
- 4.3.4 Officers are required to obtain consent prior to recording an interview with a victim of a sex offense. The consent in these cases must be recorded on camera.

4.4 Prohibited Use

- 4.4.1 An in-car video camera system will not be used to record employees during routine administrative activities, or supervisor/subordinate administrative interactions.
- 4.4.2 Officers will not record non-work-related personal activity.

4.5 Internal Access, Review, and Use of Recording

- 4.5.1 An in-car video camera system recording may be reviewed by the recording officer for any work-related reason, including but not limited to:
 - 4.5.1.1 To ensure the in-car video camera system is working properly;
 - 4.5.1.2 To assist with the writing of a report or other official document;
 - 4.5.1.3 To review/critique his or her own performance;
 - 4.5.1.4 To review/prepare for court;
 - 4.5.1.5 To respond to a civil suit, criminal investigation (if the officer is the subject of the investigation), citizen complaint, or administrative complaint. The officer will have the ability to review the in-car video camera system recording of the referenced incident prior to making a statement; or
 - 4.5.1.6 To prepare a response to a properly filed request for release of information under the Maryland Public

Information Act (MPIA).

- 4.5.2 In-car video camera system recordings may be reviewed by a Field Training Officer, investigator, supervisor, command staff member, or legal counsel for an official purpose to include:
 - 4.5.2.1 To review evidence of a crime;
 - 4.5.2.2 In furtherance of an official investigation such as a personnel complaint, administrative inquiry, or a criminal or civil investigation;
 - 4.5.2.3 To assess training value of a specific incident;
 - 4.5.2.4 By legal counsel for any officer entitled to review their in-car video camera system recordings pursuant to Section 4.6.1.5 of this General Order; or
 - 4.5.2.5 By legal counsel and claims adjusters for the City in furtherance of a personnel investigation, action, civil complaint, or litigation.
- 4.5.3 To further the concept of active supervision at the scene of incidents, supervisors and command staff members shall not routinely review a series of videos in an attempt to find a pattern of behavior that is not linked to a specific incident.
 - 4.5.3.1 When performance issues or violations of Department policy are discovered, supervisors are encouraged to actively supervise the officer at the scene of future incidents to resolve performance issues rather than relying on in-car video camera system videos to monitor performance.
- 4.5.4 Officers are not authorized to view another officer's recording(s) except for an official purpose.
- 4.5.5 When an officer, supervisor, or command staff member reviews a in-car video camera system video, he or she shall document the purpose of the review in the "Notes" section of the video log.
 - 4.5.5.1 The Chief of Police may authorize an exemption to this provision for the purpose of maintaining the integrity of an active Internal Affairs investigation.
- 4.5.6 When a recorded incident or recording of an incident is used to question an officer that is the subject of an internal investigation, access to their own in-car video camera system recordings related to the incident may be provided to that officer in advance of the questioning.
- 4.5.7 A supervisor shall review and ensure the proper classification of the

in-car video camera system recording of an incident when:

- 4.5.7.1 An officer is involved in a reportable response to resistance/aggression incident;
 - 4.5.7.2 An officer is injured during the performance of his or her duties;
 - 4.5.7.3 An officer is involved in a motor vehicle collision;
 - 4.5.7.4 An officer actively participates in a vehicular pursuit or foot pursuit; or
 - 4.5.7.5 Investigating a complaint against an officer.
- 4.5.8 In-car video camera system recordings shall not be routinely reviewed for the express purpose of discovering acts of misconduct or instances of poor performance without specific justification.
- 4.5.8.1 An officer's supervisor may use the in-car video camera system recordings to address performance when justification exists.
 - 4.5.8.2 Any recording used must be reviewed with the subject officer prior to any documentation of performance.
 - 4.5.8.3 A supervisor must give written notice via email to an officer of his or her intent to use an in-car video camera system recording as part of an officer's evaluation.
- 4.5.9 In-car video camera system recordings may be used for training purposes.
- 4.5.9.1 Officers will be provided written notice of the intent to use in-car video camera system recording(s) for training purposes prior to the training via an email notification.
 - 4.5.9.2 An officer may object, in writing via email to the requestor and Administrative Bureau Commander, no later than five (5) business days after notifications of the intent to use the in-car video camera system recording.
 - 4.5.9.2.1 When an officer files a written objection to the in-car video camera system recording's use in training, the Chief of Police will weigh whether the training value outweighs the officer's objection and decide whether the recording will be used.

- 4.5.10 An audit trail shall be maintained to record access to all recordings and officers shall have timely and ongoing access to the log, which will include:
 - 4.5.10.1 Name of the employee accessing the recording;
 - 4.5.10.2 Reason for access;
 - 4.5.10.3 Date the recording was accessed;
 - 4.5.10.4 Length of time the recording was reviewed; and
 - 4.5.10.5 Whether the recording was copied or edited.
- 4.5.11 A in-car video camera system recording of constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in criminal activity.

Stored video and audio from the in-car video camera system recordings may not:

 - 4.5.11.1 Be searched using facial or voice recognition software. This does not prohibit the use of recognition software to analyze the recording of a particular incident when the appropriate bureau commander has reason to believe that a specific suspect or person may be a subject of a particular recording.
- 4.5.12 Employees shall not access, obtain, attempt to obtain, or copy/convert for his or her personal use any recording produced by an in-car video camera system.
 - 4.5.12.1 Employees shall not make recordings (video or photo) of a computer monitor that is playing an in-car video camera system recording.
 - 4.5.12.2 Employees shall not upload in-car video camera system recordings to public and/or social media websites.
- 4.5.13 Except as authorized by policy, employees shall not attempt to copy, alter, release, reuse, modify, or tamper with in-car video camera system recordings in any manner. Employees are prohibited from making a copy of an in-car video camera system audio/video recording by using another recording device, such as a cell phone.
- 4.5.14 So long as the reviewing of an in-car video camera system recording, as determined by the Attorney General or State's 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, who have been consulted by the Department, for the limited purpose of addressing officers' medical or mental health needs resulting from a critical incident.

- 4.5.15 A documented annual administrative review of the in-car video camera program will be conducted and reviewed by the Chief.
- 4.5.16 Violations of a component of this General Order are subject to disciplinary provisions listed in General Order 208.2 Disposition Matrix and 208.2(a) Violation Matrix Appendix.

4.6 Classification & Retention of Data

- 4.6.1 All original in-car video camera system recordings are the property of the Gaithersburg Police Department and shall be securely stored and retained according to the Department's Video Retention Schedule, consistent with state law and existing evidence protocols, unless a specific request is made to store them for a longer period and authorized by the Chief of Police. An unedited original version of each recording shall be maintained, in accordance with the Video Retention Schedule and provisions of State law.
- 4.6.2 In-car video camera system recordings that can be used in an investigation or capture a confrontational encounter between an officer and a member of the public, will be deemed "evidentiary" and categorized according to the classification of the incident. Recordings that do not contain evidence or capture routine, non-confrontational encounters will be deemed "non-evidentiary" and remain unclassified.
- 4.6.3 If a recording captures evidence of a crime, an incident that results in a complaint against a police officer, part of an internal affairs investigation, civil litigation, an officer's response to resistance/aggression, an unintended or prohibited activation of an in-car video camera system, training or performance issues, or any other incident which requires the recording to be stored for a longer retention period; it shall be the responsibility of the officer and the officer's supervisor to properly classify the video with one of the following classifications:
 - 4.6.3.1 Critical Incidents;
 - 4.6.3.2 Vehicle Pursuits;
 - 4.6.3.3 Complaint;
 - 4.6.3.4 Civil Litigation
 - 4.6.3.5 Unintended/Prohibited Activation; or
 - 4.6.3.6 Response to Resistance/Aggression;
- 4.6.4 Non-evidentiary recordings will be destroyed after 370 days, unless

the Department deems it necessary to retain the recording for a longer period of time.

4.7 Records Requests and Release of Recordings

- 4.7.1 Public requests for a release of in-car video camera system recordings will be conducted in accordance with Maryland Public Information Act (MPIA), Section 4-101 et seq., Maryland General Provisions Code Annotated.
- 4.7.2 Non-MPIA related release of in-car video camera system videos will only be permitted with authorization of the Chief of Police, after consultation with the primary investigator(s) and the State's Attorney's Office who are responsible for investigating the incident related to the in-car video camera system recording.
- 4.7.3 In-car video camera system recordings will be made available to the Montgomery County State's Attorney's Office for prosecutorial and discovery purposes.
- 4.7.4 In-car video camera system recordings may be shared with allied law enforcement agencies for official purposes only.

4.8. Training

- 4.8.1 New officers are trained in the use of the audio/video digital recording system during the field training program to include:
 - 4.8.1.1. The policy of the department;
 - 4.8.1.2. How to classify videos; and
 - 4.8.1.3. How to review their videos.
- 4.8.2 Newly promoted Supervisors are trained on the required monthly review process during their Mentor Training.

4.9. Inspections and Maintenance

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