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I. Policy

- A. It is the policy of the department to utilize the In-Car Video Camera (ICVC) for the purpose of accurately documenting events, actions, conditions, and statements made during citizen contacts, arrests, and other critical incidents.
- B. Video and/or audio recordings will be utilized to enhance criminal/traffic reporting, evidence collection, investigations, prosecution, and training.

II. Legal Considerations

- A. Maryland law makes it unlawful, with some exceptions, for any person to intercept, endeavor to intercept, disclose, 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. MD. CODE. ANN., CTS. & JUD PROC. § 10-402 (2002).
- B. Therefore, officers **will not** utilize the *ICVC* to make *audio* recordings unless consent is obtained or the audio recording is made pursuant to the exceptions outlined below.
- C. It is important to recognize that State law does not restrict or place consent requirements on *video* recordings made without audio.
- D. The following is an exception to the State law and allows officers to utilize the *ICVC* to make both video and audio recordings without the consent of the parties to the conversation.

An officer may make an audio recording if all of the following apply:

1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;
2. The law enforcement officer is a party to the oral communication;
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. The law enforcement 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 a video recording.

III. Operating Procedures

- A. The use of video recording equipment by officers who operate vehicles so equipped is **mandatory**. *Officers will record the following events in their entirety, whether they are the primary or back-up unit: vehicle pursuits, priority responses, traffic stops, and prisoner transports.*
- B. Officers will wear the audio recording transmitter on their person at all times while on duty. *It is permissible to remove the transmitter from their person when charging it in the car charging dock.*
- C. Officers should attempt to keep the video camera positioned in such a manner as to capture the event in its entirety.
- D. The video recording is automatically activated whenever:
1. Emergency lights are activated
 2. Remote microphone transmitter is activated
 3. Manual activation in the vehicle
 4. *Vehicle speed exceeds 84 mph*
 5. *Vehicle "crash sensor" is activated*
 6. *When there is a power loss to the recorder*
- E. Traffic Stops
1. Video recordings with audio will be made of all traffic stops and vehicular pursuits with the exception of traffic enforcement details.
 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 will notify the person(s) stopped that they are being audibly and visually recorded. The officer's statement should be similar to the following example:

"Hello. I am (rank and name) of the Maryland-National Capital Park Police. I stopped you for (violation). We are being audibly and visually recorded. May I please see your driver's license and vehicle registration?"
 4. If the driver or any occupant of the vehicle objects to the audio recording, they should be courteously informed that the Maryland law allows audio recording for law enforcement officers conducting traffic stops.
 5. If the traffic stop becomes a criminal detention, the officer may continue to make both a visual and audio recording without obtaining consent.
- F. Prisoner Transports
- Video recordings will be made of all prisoner transports. If the prisoner being transported gives consent, an audio recording will also be made.

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- G. Non-Traffic/Other Uses
1. Officers will begin any field interview or other citizen contact with the audio turned off. The audio will only be turned on if circumstances exist that will allow the officer to ask and obtain consent from all parties to the conversation without creating a safety hazard to the officer or any other person at the scene.
 2. Officers will make every effort to video record (consent required to record the audio) all potentially criminal field contacts/suspicious vehicles, etc. that occur within camera range.
 3. At the officers discretion, any other incident may be video recorded when the officer feels the recording may have prosecutorial or investigative merit. Examples of such uses large crowds, accident scenes, permit checks, etc.
- H. Whenever a video/audio recording is made of a crime or incident and a written report is generated, a note of recording, or multiple records if more than one officer recorded the event, will be included in the narrative portion of the report.
- I. When preparing written reports, officers are encouraged to utilize the video recording system's playback feature to review the incident.
- J. Officers will not use the ICVC to covertly record other police personnel.
- K. The department recognizes that it may not always be practical to activate the ICVC equipment. Officers will not allow the operation of the ICVC to interfere with their own personal safety, the personal safety of others, or the safe operation of the police vehicle.
- IV. Video Handling
- A. User Responsibility
1. Officers, at the beginning of each shift, *will log in to the ICVC software that is installed on their Mobile Data Terminal completing the following fields:*
 - a. *Officer ID (firstname.lastname)*
 - b. *Vehicle Stock Number*
 - c. *Squad Number (ex. 1,2,3,4,5,6, CRT or K9)*
 2. *Officers will remain logged into the ICVC software for the duration of their shift. If the software becomes disconnected or when the MDT is removed from the vehicle, the officer will log back in.*
 3. *Officers will ensure that the ICVC system is operational by making a short recording and reviewing it at the beginning of their shift.*
 4. *Officers will check the remaining available recording time of the ICVC system., If the remaining recording is less than five (5) hours, the officer will notify his/her supervisor in writing. The supervisor will take the appropriate steps to ensure that the video is uploaded.*
 5. Officers will not, in any manner, attempt to modify, alter, erase, or tamper with any portion of recorded *video*. ICVC *videos* are the property of the M-NCPPC Police.

6. *All video recorded by the ICVC will be classified within forty-eight (48) hours of the recording. The recordings will be classified as follows:*
 - a. *Criminal Evidence – all recordings made in relation to any incident that results in a criminal charge or where the issuance of a criminal arrest warrant is anticipated. The case number will be entered into the “Case Number” field.*
 - b. *Incarcerable Traffic – all recordings made in relation to any incident that results in the issuance of an incarcerable traffic charge. The case number or if there is no case number, the event number (“P” number) will be entered into the case number field.*
 - c. *Non-Incarcerable Traffic - all recordings made in relation to any incident that results in the issuance of a non-incarcerable traffic charge. The officer may enter the event number (“P” number) in the case number field, but it is not required.*
 - d. *Civil - all recordings made in relation to any incident that results in the issuance of a civil citation. The officer may enter the event number (“P” number) in the case number field, but it is not required.*
 - e. *Other – any recording that does not fall into the above categories, but will need to be retained.*
 - f. *Not Evidence – any recording that does not need to be retained beyond the default retention period.*
 - g. *Other classifications may be visible within the system, however officers should only use the classifications listed in “a” through “f” of this section.*

B. Supervisors Responsibilities

1. *Shift Supervisors will conduct a monthly review of the video recordings made by their assigned personnel. This review will verify that the officers are logging into the system properly, testing the system as required, appropriately utilizing the audio transmitter, and classifying all recorded videos. This review will be documented by the supervisor on a monthly report. The supervisor will watch a sampling of the recordings made by officers under their command and will offer constructive criticism to both improve the quality of enforcement techniques and aid in improving officer safety.*
2. *If a supervisor feels that a recording may be useful as a training tool, he/she will notify the training committee via their Chain of Command. No recording will be used for training purposes while the case is being litigated.*

V. Review

- A. *Officers may review any of their own recordings by utilizing the ICVC software that is installed on their MDT.*
- B. *All requests for public release of recordings will be submitted in writing to the Chief, Park Police Division.*
- C. *Only Management & Technology or Internal Affairs will be authorized to copy any recordings.*

VI. Internal Use of *Recordings*

- A. The In-Car Video Camera System is not intended to be used as a disciplinary tool against officers for minor infringements of policies or procedures.
- B. Supervisors will not arbitrarily review video/audio recordings for the purpose of identifying minor infractions of department policies or procedures.
- C. However, when cases of misconduct and/or repetitive negative behavior are brought to the attention of the department via supervisor review and/or an official complaint, the *recording* may be reviewed and be used as the basis for performance counseling or disciplinary action.
- D. The department may use *the recordings* for training or other purposes as approved by the Chief, *Park Police* Division or designee.
- E. *ICVC* video/audio recordings may be used by Field Training Officers to review the actions of probationary officers participating in the Field-Training and Evaluation Program.
- F. *Supervisors and management can request a copy of recorded video made by the ICVC through the Park Police Help Desk. The Management and Technology Section will then burn a DVD copy of the requested video. **Physical copies of recorded video will only be burned to DVD when necessary for inclusion in a case file.** Videos that must be reviewed as part of an investigation will be reviewed within the ICVC software.*
- G. *Officers may request a DVD copy of recorded video for court purposes through the Park Police Help Desk. The Management and Technology Section will then burn a DVD copy and will forward the DVD recording to the Evidence Section. The requesting officer will then retrieve the DVD from the Evidence Section. If the DVD copy is not retained by the State's Attorney's Office, it will be returned to the Evidence Section for destruction or maintained in the officer's case file.*

VII. Retention

- A. *All ICVC videos that are classified as Criminal Evidence, Incarcerable Traffic or Other will be retained for a minimum of one (1) years or until it is no longer needed for any court or administrative proceedings.*
- B. *All ICVC videos that are classified as Non-Incarcerable Traffic or Civil will be retained for eighteen (18) months and then automatically deleted. If a video originally classified as Non-Incarcerable traffic or Civil needs to be retained for a longer period of time, the officer will change the video's classification to "Other".*
- C. *All ICVC videos that are marked as "Not Evidence" will be automatically deleted after 210 days, unless the submitting officer or management reclassifies the video.*
- D. *The Evidence Section will send purge requests to the recording officer for all evidentiary videos that are more than one (1) year old to determine if the video is still needed. If the officer determines the video is no longer needed, the Management Sergeant will confirm the status of the case prior to deleting the video.*
- E. *Videos approved for training may be retained indefinitely.*
- F. *Videos classified as "Restricted" will be retained until the Chief of Police or his/her designee grants permission to purge.*

VIII. Management & Technology Section Responsibilities

- A. The Management and Technology (M&T) Commander will coordinate the initial training of all officers on the proper use of the ICVC. The initial training will include, but is not limited to the following:
 - 1. Review of the ICVC Directive.*
 - 2. How to properly logon to the ICVC software*
 - 3. How to properly classify a video*
 - 4. How to request a video for court purposes**
- B. The Management and Technology Commander will coordinate any training that is required when new software, features, or enhancements are implemented within the ICVC system.*

**Approved Park Police Document
Signed Original on File**

End of Directive