

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY



Jeffrey R. Gahler,
Sheriff

Body-Worn Cameras

Distribution:	All Personnel	Policy Number:	OPS 0103		
Responsible Unit:	Court Services Division	Rescinds:			
Original Issued Date:	06/14/22	Revision #:	2	Latest Revision Date:	03/02/24
Latest Required Review was Completed:	03/02/24	Next Review Due:	03/02/27		

1. Purpose

To provide employees with instructions on when and how to use body-worn cameras (BWC) so they may reliably record contacts with the public.

2. Policy

Law enforcement agencies are increasingly utilizing a variety of audio/video technology to further the mission and to ensure professionalism. The Harford County Sheriff's Office (HCSO) will use these devices as a means of furthering the HCSO's ability to conduct criminal investigations, administrative investigations, and review procedures and tactics. Employees will activate the BWC when such use is appropriate to the proper performance of his official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

3. Definitions

ACCIDENTAL ACTIVATION/CONFIDENTIAL: a recording or portion of a recording that would jeopardize individual dignity, modesty, or contains sensitive personnel matters and did not involve a scenario where the activation of the BWC was required by the employee.

ACTIVATION: recording of both audio and video by switching the device from Pre-Event Buffering Mode to Event Mode.

ADVISEMENT: a statement made by an employee at the outset of using a BWC to record a communication, conversation, or interaction with a citizen. This statement is made for the specific purpose of informing the citizen that the communication or conversation is being recorded.

AUTO TAGGING: service that automatically assigns related case number and data to BWC recordings.

BODY-WORN CAMERAS (BWC): systems designed to be worn by police officers to capture digital multimedia evidence both audibly and visually.

CLASSIFICATION TAG: a method used to mark and store BWC recordings for a specific purpose.

DEACTIVATION: to stop actively recording the event and return the device to Pre-Event Buffering Mode.

DIGITAL EVIDENCE MANAGEMENT SYSTEM (DEMS): a cloud-based storage system used to store all BWC recordings.

DIGITAL MULTIMEDIA EVIDENCE (DME): all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata.

EVENT MODE: actively recording video and audio in the BWC.

METADATA: any digital identifiers that are captured as part of the actual recording, such as date/time, Global Positioning System (GPS) coordinates, labeling, etc.

PRE-EVENT BUFFERING MODE (PEBM): a continuous 60 second video-only recording which is captured as a part of the full recording once the device is placed in Event Mode (activated).

RESTRICTED ACCESS: recordings only employees with the proper permissions will have access to.

SIGNAL VEHICLE: technology that enables the Axon camera to sense nearby events and start recording. Signal Vehicle has been equipped to work with the emergency vehicle's light bar. When the vehicle light bar is activated, all properly equipped Axon systems within range begin recording.

SLEEP MODE: puts the BWC in an idle state that disables recording and buffering. While in this state, automatic activation will not initiate camera recording.

SUPPLEMENTAL LAW ENFORCEMENT SERVICES: services approved by the HCSO through a Memorandum of Agreement with businesses or organizations who have requested the HCSO to furnish uniformed personnel for a particular event or at a certain location where special deployment of law enforcement protection is appropriate.

SYSTEM RECORDINGS: audio and/or video captured and uploaded by the BWC.

UNRESTRICTED ACCESS: employee's normal access to their own recordings and those shared with them.

4. Procedures

A. Program Provisions

1. BWC data is subject to the rules of discovery.
2. Employees will utilize the BWC in accordance with the provisions of this policy.
3. BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the property of the HCSO.
4. Except as authorized in this policy, employees will not edit, alter, erase, duplicate, copy, or otherwise distribute in any manner BWC recordings without prior written authorization from the Sheriff or his designee. Failure to comply with this directive may result in disciplinary action.
5. Employees will not alter or tamper with any hardware/software component or part of the BWC.
6. Use of BWC for any purpose other than in accordance with this policy is prohibited.
7. In the event of an accidental activation of the BWC, an employee may request a video, or a portion thereof, be deleted by submitting a BWC Recording Deletion Request ([SO-263](#)) to the Law Enforcement Support Specialist Coordinator.
8. Employees will note in incident reports and related reports (to include field interview reports) when recordings were made.

9. Employees will complete the [HCSO Body Camera Malfunction/Fail to Record Form](#) for documentation, tracking, and repair purposes when the camera malfunctions.
10. Employees will upload all files from their assigned BWC within 24 hours of the recordings, or sooner, if requested by a supervisor.

B. Issuance and Utilization

1. Employees assigned a BWC and performing duties which involve regular interactions with the public as part of their official duties, will wear the BWC at all times pursuant to this policy.
2. Employees working Supplemental Law Enforcement Services will adhere to this policy.
3. The BWC is designed to be worn on the employee using only Agency issued and approved mounts in the best position to maximize the BWC field of view and to facilitate ease of operation based on the clothing/equipment worn by the employee.

C. Equipment and Training

1. Prior to using a BWC, employees and supervisors will receive Agency-approved training on proper operation, care, and policy with respect to the use of the BWC. This training will also include alternative methods for effective notification of recording to persons with special needs or limited English proficiency.
2. Employees will inspect and test the BWC prior to each shift in order to verify proper functioning.
3. Equipment malfunctions will be brought to the attention of the employee's supervisor as soon as possible so that a replacement unit may be obtained.

D. Activation

1. This policy is not intended to describe every possible circumstance wherein a BWC is or can be activated. It is understood that not all situations will clearly begin as necessitating documentation by the BWC. When in doubt, record the interaction.
2. Employees wearing the BWC will keep it in PEBM until activation is required. Exception: Deputies will turn their BWC off, or place it in SLEEP MODE, upon entering a restroom, locker room, or other sensitive area for personal business.
3. Employees may place their BWC in SLEEP MODE upon entering a secured area not accessible to the public to prevent accidental activations when recording is not required by policy.
4. Except as otherwise exempted by law, employees will inform individuals, as soon as practical, that they are being recorded. This notification is satisfied even if another individual becomes a party to the communication after the initial notice has been provided. In locations where individuals have a reasonable expectation of privacy, such as a private residence, the citizen may decline to be recorded.
 - a. If a citizen declines to be recorded, the employee will note on the recording the citizen has declined prior to returning the BWC to PEBM.

- b. A citizen cannot decline to be recorded if the recording is being made pursuant to an arrest or search of a residence or individuals therein.
 - c. A citizen cannot decline to be recorded during a potentially hostile situation (i.e., domestics).
5. HCSO employees will activate their BWC under the following circumstances as soon as it is safe and practical to do so:
- a. At the initiation of a call for service or other activity that is investigative or enforcement-related in nature. Employees are not required to record their response to a call for service unless they are operating as an emergency vehicle;
 - b. In the execution and search of all search and seizure warrants;
 - c. Any potentially hostile situation or encounter that becomes confrontational;
 - d. Upon the order of a supervisor;
 - e. Any other time an employee believes the activation is warranted; or
 - f. When victims, witnesses, or other individuals wish to make a statement or share information, but will not do so while being recorded, or request that the camera be turned off, officers may turn off the BWC in order to obtain the statement or information. If the encounter begins when the BWC is not actively recording, the law enforcement officer may, but is not required to, temporarily activate the BWC for the sole purpose of documenting the person's refusal to be recorded. Deputies are required to articulate in writing on investigative reports their reasons for not activating the camera or to say on camera why they are turning the camera off.
6. Activation is not required for HCSO employees in the following circumstances:
- a. Taking a report or conducting a preliminary investigation with a victim of a sexual assault;
 - b. Employee is working with or in an undercover capacity;
 - c. Employee is working under the authority of a state or federal agency that prohibits the use of a BWC;
 - d. During strip searches;
 - e. During court proceedings;
 - f. Upon conclusion of an investigation and questioning persons about becoming an informant; or
 - g. When speaking with confidential informants.
7. If an employee fails to activate the BWC, fails to record the entire contact, or interrupts the recording, he will document audibly when feasible why a recording was interrupted, or was terminated and will complete the [HCSO Body Camera Malfunction/Fail to Record Form](#).

8. Employees may mute the audio on a call for service when exploring investigative strategies, discussing options for the handling of the call with other employees, or discussing something not related to the call they are handling.

E. Deactivation Protocol

1. Once activated, employees may deactivate the BWC and return to PEBM when:
 - a. The call for service or contact with the public has concluded;
 - b. The call for service no longer requires citizen interactions (i.e., long-term death investigations, crime scene management, traffic post, etc.);
 - c. Engaged in personal activities;
 - d. A detainee has been placed in a secured facility (i.e., Precinct or Detention Center);
 - e. Citizens willing to provide information relative to a case but refuse to do so while being recorded;
 - f. Entering a medical or mental health facility to protect patient rights to privacy unless an employee is confronting a violent subject or anticipates a possible use of force incident. The employee will attempt to avoid recording persons other than the suspect in question; or
 - g. Supervisor approves deactivation.

F. Restrictions on BWC Use

1. BWCs will only be used in conjunction with official law enforcement duties. The BWC will not be used to record:
 - a. Confidential communications during consultations with an attorney conducted in a manner consistent with the Maryland Rules of Professional Conduct;
 - b. Communications with other HCSO employees involving personnel matters without the permission of the Sheriff;
 - c. In Court Facilities and Courtrooms, except with the express permission of the local Administrative Judge or presiding judge, according to Md. Rule 16-208;
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, unless such places are part of an official investigation and meet the guidelines of activation; or
 - e. Constitutionally protected activity to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance. Note: This does not prohibit the HCSO from using recognition software to analyze the recording of a particular incident when a supervisor has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording.

2. Citizens will not be allowed to view recordings unless a supervisor deems the recording can aid in the identification of a suspect, or the video footage can alleviate or prevent a complaint.
3. No employee will use a BWC not assigned to him unless authorized.

G. Supervisory Responsibilities

1. Supervisory personnel are responsible for ensuring that employees equipped with BWC devices are utilizing them and uploading them in accordance with policy and procedures.
2. Supervisory personnel will perform one monthly review of BWC footage per deputy to ensure compliance with this policy. When reviewing BWC videos, supervisors will note their access to each video in the note section with the purpose of the review.
3. Supervisors will review BWC recordings when:
 - a. An employee is involved in a reportable use of force incident;
 - b. An employee is involved in a motor vehicle pursuit;
 - c. An employee is injured in the performance of their duties or involved in an Agency vehicle crash; or
 - d. Investigating a complaint against an employee
 - e. Reviewing an incident critique and/or training.
4. Supervisors can, when necessary, utilize the Axon GPS and live stream feature.

H. Storage

1. Access to BWC files must be authorized by the Sheriff or his designee based off the individual's role within the HCSO.
2. Files will be securely stored in accordance with records retention laws. Files will be kept no longer than required for purposes of training, investigation, or prosecution. Axon Enterprise, Inc. will retain permanent records of all files.

I. Reviewing and Sharing Recordings

1. BWC recording requests will be responded to in accordance with applicable Maryland Public Information Act (MPIA) request laws.
2. Employees may review their own recordings and recordings shared by other employees who are involved in the investigation for legitimate law enforcement purposes.
3. Employees will be provided the opportunity to review recordings prior to providing a statement for any internal, civil, or criminal investigation.

4. Employees are authorized to share their recordings with other law enforcement agencies upon request for official purposes. Employees will have the requesting officer complete the Body Worn/Mobile Video System Request ([SO-111](#)) and will attach the completed form in the Law Enforcement Records Management System (RMS) under the related incident, when feasible.
5. The stored video and audio data from a BWC may not:
 - a. Be used to create a database or pool of mug shots;
 - b. Be used as fillers in photo arrays; or
 - c. Be searched using facial or voice recognition software.
6. As long as reviewing of a BWC recording, as determined by the Attorney General or State's Attorney's Office, does not impact the integrity of an investigation or negatively impact a criminal investigation, the recording may be reviewed by a medical or mental health professional consulted by the HCSO for the limited purpose of addressing the deputy's medical or mental health needs resulting from a critical incident.

J. Classification and Retention

1. The HCSO utilizes the Auto Tagging service offered by AXON. This service tags each video with the CC#, deputy assigned the camera, date, time, and category.
 - a. Recordings categorized under the auto tagging service will be categorized using the following classification tags:
 - i. Evidentiary;
 - ii. Non evidentiary; or
 - iii. Arrest.
 - b. Employees will manually enter data in the TITLE field for every recording in the following format:
 - i. CC# formatted as a 12-digit identifier (i.e., 202112345678); and
 - ii. Add a category to the recording with the most appropriate option in the drop-down menu.
2. Category classification tags and their retention periods are as follows:
 - a. Evidentiary – 3 years;
 - b. Non evidentiary – 3 years;
 - c. Arrest – until manually deleted;
 - d. Confidential – until manually deleted;

- e. IA – until manually deleted;
- f. Taser Log – until manually deleted;
- g. LESS uploaded media – 7 days;
- h. Test – 3 days;
- i. Uncategorized – until manually deleted;
- j. False Activation – 30 days; and
- k. Pending Review – 545 days.

- 3. If a recording is needed to be retained past the retention period, an email must be sent to the Law Enforcement Support Specialist email group explaining the need for the extended retention.
- 4. System recordings that would be classified as “accidental” will be categorized as “Confidential” to prevent their release and/or viewing by other members. For deletion of these recordings, refer to A. 7. above.

K. Patrol Saturation Program (PSP)

- 1. Employees are required to have their BWC with them while operating their HCSO vehicle.
- 2. If an employee engages in a law enforcement action while operating in a PSP, when feasible he will utilize his BWC adhering to all guidelines and procedures contained in this policy.

L. Investigation of an Employee

- 1. When video footage exists pursuant to an investigation of a HCSO employee, the OPS will:
 - a. Restrict access to the recordings when necessary; and
 - b. Ensure adherence to retention laws involving complaints against deputies.
- 2. In the event of a deputy involved shooting, or use of force resulting in serious injury, the on-scene supervisor will take custody of the involved employee’s BWC, ensure the recordings are uploaded, and restrict access on evidence.com.
- 3. Violations of BWC policy will be handled consistent with HCSO Policy [PER 0216](#) Penalty Assessment Matrix.

5. Summary of Changes

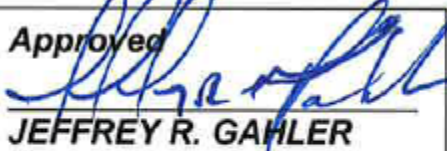
A. 3/09/23 Revision number one

- 1. Page 4, 4.D.6. Added that activation not required when speaking to a confidential informant or after the investigation questioning them about becoming a confidential informant.

2. Page 5, 4.F.1.a. Added restriction during confidential consultations with attorneys.

B. 3/02/24 Revision number two

1. Page 4, 5.f. Added that activation is required when obtaining statements from potential witnesses.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 3.2.24