

HARFORD COUNTY SHERIFF'S OFFICE ADMINISTRATIVE POLICY



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Sheriff

Mobile Video Systems in Vehicles

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| Distribution: | All Personnel | Policy Number: | ADM 1103 |
| Responsible Unit: | Administrative Services Division | Rescinds: | MAN 5300 |
| Original Issued Date: | 11/22/21 | Revision #: | 1 |
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Purpose

To provide members of the Harford County Sheriff's Office (HCSO) with guidelines for the operation of Mobile Video Systems (MVS) in Agency vehicles and to specify requirements pertinent to storage, viewing, release, and retention of MVS generated materials.

1. Policy

Deputies will use MVS equipment for the purpose of accurate documentation of events, actions, conditions, and statements made during citizen contacts, arrests, critical incidents, and for courtroom presentation. MVS material will enhance a deputy's ability to document and review actions and statements for reporting purposes, as well as courtroom testimony. This material may also be used to provide an impartial measurement for self-critique and field observations.

2. Definitions

MOBILE VIDEO SYSTEM (MVS): **AXON Fleet Camera System** - digital audio/video recording equipment designed for fixed installation in patrol vehicles. This policy does not apply to the use of handheld camcorders or audio/video surveillance devices.

MOBILE VIDEO SYSTEM OPERATOR: a Sheriff's Deputy, who has received instruction in the operation and use of the mobile video recording device installed in Sheriff's Office vehicles, and who is authorized to utilize such equipment for enforcement purposes.

MOBILE VIDEO SYSTEM CLIENT: **AXON Dashboard Client** - a manufactured software package that is designed to operate, download, and/or administer the MVS system.

DIGITAL IMAGE MANAGER: an employee **of the Building and Technology Services Section** is responsible for the management, storage, and security of all MVS Recording Files.

3. References

MD. CODE. ANN., CTS. & JUD PROC. § 10-402 (2002)

Request for Public Information (SO-071)

Body Worn Cameras (OPS 0103)

Body Worn / Mobile Video System Request (SO-111)

Body-Worn Camera (BWC) / Mobile Video System (MVS) Recording Deletion Request (SO-263)

Body-Worn Camera (BWC) / Mobile Video System (MVS) Malfunction / Fail to Record (SO-264)

4. Procedures

A. Legal Considerations

1. The U.S. Supreme Court has held regarding “plain view”, that if the deputy has the legal right to be present, then the deputy has the right to observe what he or she can see. So, it follows, if a deputy has the right to observe, then he or she has the right to photograph and/or videotape. The recording is made by “one party consent”.
2. Maryland law makes it unlawful, with some exceptions, for any person to intercept/endeavor to intercept, disclose/endeavor to disclose, use/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).
3. Deputies will not utilize the MVS to make audio recordings unless consent is obtained, or the audio recording is made pursuant to the exceptions outlined below.
4. A law enforcement officer may, in the course of the officer’s regular duty, intercept an oral communication if the following five requirements are met:
 - a. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;
 - b. The law enforcement officer is a party to the oral communication;
 - c. The law enforcement officer has been identified as a law enforcement officer to the other parties and of the oral communication prior to any interception;
 - d. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and
 - e. The oral interception is being made as part of a video tape recording.
5. State law does not restrict or place consent requirements on video recordings made without audio.
6. The HCSO will process requests for copies of MVS recording files in accordance with the Maryland Public Information Act, as specified in Title 4 of the General Provisions Article of the Maryland Annotated Code.

B. Authorized Use

1. Accurate documentation of events, actions, conditions, and statements made during traffic or investigative stops, field interviews, arrests and critical incidents, so as to enhance reports, collection of evidence, and courtroom testimony;
2. Reviewing probable cause for arrest, custody procedures, deputy and citizen interaction, and evidence for investigative purposes; and
3. Evaluation of deputy’s tactics and field performance, and for training purposes.

C. Equipment

1. System Equipment:

Front View Camera: primary camera used for capturing MVS video data. This camera is mounted inside the vehicle near the rear-view mirror and is oriented to record events occurring in front of the MVS equipped vehicle.

Prisoner Area Camera: a camera mounted inside the vehicle oriented to record the rear seat/prisoner area of the vehicle.

Video Processing Unit: **AXON Hub** - a video system hardware component installed in each MVS equipped vehicle. This hardware system integrates the cameras and MVS client. The MVS operators will use the vehicle equipped mobile data computers to communicate with the video processing unit via the MVS client.

2. Microphones:

Vehicle Microphone: the internal microphone allows audio recording of normal speech within the interior of the vehicle. The interior microphone actively records whenever the system is in the record mode. **The in-car microphone may be muted when consent for audio recording has not been granted by another party inside the vehicle. This muted exception does not apply to prisoner transport.**

Prisoner Area Microphone: additional internal microphone that allows audio recording of normal speech within the prisoner area of the vehicle, independent of the remote audio transmitters. This interior microphone actively records whenever the system is in the record mode.

D. MVS Equipment Installation, Maintenance, and Routine Care:

1. The Electronic Services Unit will be responsible for the management of all installations, repairs, or modifications of MVS equipment. They will also configure and maintain the MVS client installed on Agency MDCs.
 - a. Only digital mobile video/audio recording equipment acquired by the Agency will be installed or used in Agency vehicles.
2. The Information Technology Unit will be responsible for the management of the other MVS client software.
3. Routine care and maintenance of MVS equipment installed in any Agency vehicle is the responsibility of the deputy assigned to that vehicle.
4. Equipment will be maintained in accordance with this policy and manufacturer recommendations.
5. Only Electronic Services Unit authorized technicians will install, repair, and/or modify MVS equipment.
6. Prior to and throughout each shift, deputies will ensure all components of the MVS equipment are working properly.
 - a. Deputies will notify their immediate supervisor of any camera **issues immediately**. Supervisors will send an email to the Radio Shop email group detailing any problems with the deputy's camera system.
7. Supervisors will visually inspect the MVS system and test the equipment for proper function randomly, as part of the monthly vehicle inspection and document on the monthly inspection sheet.
 - a. If problems are discovered during supervisory inspections, **an email will be sent to the Radio Shop email group detailing any issues with the MVS System**.
 - b. Supervisors will investigate and document damage to the MVS systems and report the damage in accordance with Agency policy.

8. Periodically during a tour of duty, deputies will check their cameras for proper adjustment and mounting security.
9. To prevent damage, only approved products will be utilized to clean the camera lens.

E. MVS Equipment Functions

1. The Video Processing Unit and the MVS Client utilize video authentication and embedded time stamps to eliminate any possible attempts to alter, change, or eliminate recordings.
2. The recorder will be activated in one of four ways:
 - a. Manually: by pressing the "Record" button on Dashboard Client or Primary button on Fleet camera
 - b. Automatically: by activating the vehicle's emergency lights in positions #2 and #3, or siren; weapons rack release; or by opening the prisoner area door.
 - c. Automatically: when the vehicle is involved in a collision;
 - d. Automatically: when vehicle speed exceeds 75 MPH.
3. Regardless of how the recorder is activated, it can be turned off using the MVS client dashboard application or by pressing the Primary button.
4. The mounting device for the front camera allows for manual adjustment vertically and laterally. Deputies will make every attempt to ensure cameras are positioned properly for each incident where a recording is being made, and that no items are obstructing the view of the camera.
5. The MVS Operator may use the zoom feature of the front camera lens to suitably capture video evidence. Examples would be zooming in on the license plate of a stopped vehicle allowing it to be easily read.

F. MVS Use

1. Deputies will be trained on the operation of the MVS and on the Agency policy prior to use in the field.
2. Only deputies trained in the operation of the MVS will use the equipment.
3. A deputy trained in the operation of the Mobile Video Systems, operating a vehicle equipped with a MVS, will properly use the equipment in accordance with Agency policy.
4. Deputies will attempt to keep the video camera positioned in such a manner as to capture the event in its entirety.
5. Deputies will always log into and use the MVS system Dashboard application to ensure proper functioning.
6. If the event is being recorded and more than one unit equipped with MVS equipment is present, each deputy will record both video and audio.
7. Once a recording has started, deputies will not cease audio and video recording until the closure of the traffic stop or other citizen contact.

8. Deputies will not attempt to erase, reuse, tamper with or attempt to modify recordings in any way.
9. The MVS recordings may be stopped in situations such as, but not limited to:
 - a. Funeral details;
 - b. Routine traffic direction;
 - c. Work zone projects;
 - d. Emergency road closures; tree/wires down, to include accident / crime scene roadblock; or
 - e. Circumstances where the MVS system would be capturing video data of no value.
10. No attempt will be made to disable the wiring, or the audio recording components.
11. Deputies will use the MVS camera if they are off duty and become involved in a traffic stop, subject stop, or incident where the MVS camera would normally be utilized.
12. Deputies will not permit a suspect complainant/citizen to review any portion of a MVS recording, without prior approval of a supervisor.
 - a. This does not exclude a supervisor from, during the course of their official duties, reviewing MVS material with a complainant/citizen.

G. Traffic Stops

1. Video recordings with audio will be made of all traffic stops and vehicle pursuits.
2. At the beginning of a routine traffic stop, the deputy will notify the person(s) stopped that they are being audibly and visually recorded.
3. The deputy's statement will be similar to the following example, but appropriate changes are permitted considering the reason and type of contact:
 - a. "Good morning, I am deputy (Name) of the Harford County Sheriff's Office. We are being audibly and visually recorded. You were stopped for exceeding the maximum posted speed limit. May I please see your driver's license and vehicle registration?"
4. Once recording of an incident has been initiated, the recording of both audio and video will continue until termination of the incident.
5. 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.
6. Deputies should make all reasonable attempts to ensure critical evidence of violations or impairment are recorded by the MVS.
 - a. If extenuating circumstances exist and the deputy is unable to record critical evidence using the MVS, the deputy will document these circumstances in the narrative portion of an investigative report, as well as in the notes section of the ETix/Delta system.

7. If recording is interrupted for any reason during an incident, the record mode will be reactivated as soon as possible, and the operator will audibly record the reason for the interruption.
8. If the driver or any occupant of the vehicle objects to the audio recording, they will be courteously informed that the Maryland law allows audio recording for law enforcement deputies conducting traffic stops.
9. If the traffic stop becomes a criminal detention/arrest, the deputy may continue to make both a visual and audio recording without obtaining consent.
10. The audio and video recording **will** continue throughout the transport of the arrestee to the detention center.

H. Prisoner/**Inmate** Transports

1. Video and audio recordings **are to** be made of all prisoner transports, **unless the prisoner wants to confess or provide information regarding a crime but does not want to be recorded via audio.**
2. Deputies will activate the rear seat camera or prisoner/**inmate** van cameras **manually or by opening the door to the prisoner containment area** and continue recording throughout the transport of the prisoner/**inmate**.
3. Prior to transport, prisoners/**inmates** will be notified that they are being audibly and visually recorded.

I. Non-Traffic/Other Uses

1. When utilizing the MVS system for field interviews or other citizen contact, deputies will make a similar announcement or statement to the citizen as used for traffic stops. The statement must inform the citizen that they are being audibly and visually recorded.
 - a. Example of statement, "Good morning, I am deputy (Name) of the Harford County Sheriff's Office. We are being audibly and visually recorded." The deputy will then proceed with an explanation of the contact.
2. The audio will be **muted**:
 - a. If the citizen requests to not be recorded during the field interview or other contact; or
 - b. When confidential communications during consultations with an attorney are being conducted in a manner consistent with the Maryland Rules of Professional Conduct.
3. Deputies will make every effort to video record all suspect field contacts/suspicious vehicles, etc. that occur within camera range.
4. Recordings of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
5. The stored video and audio data from the MVS 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. This subsection does not prohibit the Agency from using recognition software to analyze the recording of a particular incident when a supervisor authorized the use of such software, and there is reason to believe that a specific suspect or person in need of assistance may be subject of a particular recording.

- 7. At the deputy's discretion, any other incident may be video recorded when the deputy feels the recording may have prosecutorial or investigative merit.
 - a. Examples of such uses: large crowds, accident scenes, premise checks, etc.

- 8. Deputies are authorized to audibly and visually record disturbance scenes that occur in a public place (i.e., disorderly crowds in a bar parking lot).

- J. Events to be recorded include, but are not limited to:
 - 1. Emergency responses;
 - 2. Traffic stops (beginning to end);
 - 3. Vehicle pursuits;
 - 4. Observation of DWI suspects prior to stop, during performance of field sobriety tests and during transport if arrested;
 - 5. Transport of all prisoners/inmates;
 - 6. Vehicle searches and inventories;
 - 7. Any confrontational contact with a citizen/violator, including all acts of hostility and violence;
 - 8. Any other incident the deputy feels may become an issue of some importance at a later date. If any doubt exists, record it.
 - 9. When preparing reports, deputies may utilize Evidence.com software application specific to HCSO to review the incident.
 - 10. Deputies will not use the MVS to covertly record other police personnel.
 - 11. The Agency recognizes that it may not always be practical to activate the MVS equipment. Deputies will not allow the operation of the MVS to interfere with their own personal safety, the personal safety of others, or the safe operation of the patrol vehicle.
 - 12. No attempt will be made to disable or damage the MVS system.
 - 13. No attempt will be made to capture video from a MVS system either by copying files, using video capture software, or physically recording video with another device as it is playing back.
 - 14. Violations of the Agency MVS policy may result in disciplinary action.

- K. Video File Uploads and Archiving

1. MVS Storage Functions and Use
 - a. The MVS system utilizes **automatic uploading for transfer of** MVS files.
 - b. The upload/file transfer option involves the use of a secure mobile/cellular data system.
 2. Emergency retrieval of MVS files through the camera system hard drive may be conducted only by the Electronic Services Unit.
 3. User Responsibility
 - a. Deputies, at the beginning of each shift, will ensure that the video and audio recording unit is operational.
 - i. This is accomplished by logging into the **Dashboard application** and reviewing the system prompts available on the home screen.
 4. Deputies will not, in any manner, attempt to modify, alter, erase, or tamper with any portion of recorded video.
 5. All videos must be classified using one of the label options available in the pull-down menu. **See [OPS 0103 Body Worn Cameras: Section 5. Procedures, Classification and Retention \(J\)\(1\)\(a\) and \(J\)\(2\)](#) for reference.**
 6. When classifying an evidentiary video file, the deputy will include the related case number in the "ID" field. **See [OPS 0103 Body Worn Cameras: Section 5. Procedures, Classification and Retention \(J\)\(1\)\(b\)\(i\)](#) for reference.**
 7. MVS video files are the property of the HCSO.
- L. Review, Retention, and Storage of Recordings
1. Supervisory Responsibilities
 - a. Supervisors are tasked with ensuring that MVS equipment is being utilized properly by their personnel.
 - b. On a monthly basis, Supervisors will review two video files from each deputy assigned to their Shift or Unit to ensure they are properly using the system.
 - i. Review of MVS files by supervisors will be completed using the **Evidence.com software application specific to HCSO**. Only official review of videos is authorized.
 - ii. Supervisors will document via Guardian entry which files are reviewed.
 - iii. The Monthly Camera Review category will be used for this entry.
 - iv. This entry will note the reason for the review, actions or behavior observed, and any counseling that took place.
 - c. Supervisors will offer constructive criticism to both improve the quality of enforcement techniques and aid in improving officer safety.

- d. Supervisors may review additional videos, randomly selected, for the purpose of assisting in the preparation of performance ratings.
 - e. The highest-ranking member of each shift or unit will be responsible to assure that monthly supervisory reviews are taking place in accordance with the policy.
 - f. If a supervisor wishes to utilize a video file as a training tool, they will make a request for the file via the chain of command to their Watch Commander/Lieutenant. If approved, the request will be forwarded to Division Commander for additional review.
 - g. Division Commanders will determine if MVS videos will be used as a training tool.
 - h. Division Commanders needing a copy of a MVS recording file will forward a Body Worn/MVS Request [\(SO-111\)](#) to the Digital Image Manager authorizing a copy of the file to be produced.
 - i. No video file will be used for training purposes while the case (criminal or civil) is being litigated.
2. Deputies may review a recording in which they were the recorder by logging onto the [Evidence.com software application specific to HCSO](#), using their assigned user ID and password, from a designated Agency computer.
 3. Requests by Agency personnel to review a recording, other than a video they recorded, must be requested by email through the chain of command to their Lieutenant or highest-ranking unit supervisor.
 - a. If approved, the requested video will be located by the Lieutenant or supervisor using the [Evidence.com software application specific to HCSO](#).
 - b. The requesting Agency personnel will be allowed to review the video with the Lieutenant or supervisor, using the Lieutenant's or supervisor's assigned user ID and password, from a designated Agency computer.
 4. Deputies or supervisors will not copy any recording in any way, nor will any copy be removed from HCSO property, other than for official business.
 5. Requests made by the Harford County State Attorney's Office, or the Maryland Attorney General's Office for the viewing or copying of MVS files will be accommodated in order to assist with preparation and prosecution of cases.
 - a. States Attorney and/or AG personnel will be required to submit a [request](#) to the [Building and Technology Services Section](#).
 6. All requests for copies of MVS recording files by media, citizens, [law department](#), or outside agencies under the Maryland Public Information Act, will be submitted in writing to the Custodian of Records or designee utilizing the Request for Public Information [\(S0-071\)](#).
 - a. If the request is approved by the Custodian of Records or designee, [it will be](#) forwarded to the Digital Image Manager, authorizing a copy of the file to be produced.
 - b. The copy of the MVS recording file will be produced by the Digital Image Manager and then forwarded to the Custodian of Records or designee for distribution to the requestor pursuant to policy.

7. Only the Digital Image Manager and Law Enforcement Support Specialists (LESS) will be authorized to copy any recordings.
8. Recordings will be stored, duplicated, distributed, or erased only in compliance with this policy.
9. The Digital Image Manager is responsible for the management, storage, and security of all copied files placed in their care.
10. All MVS recordings will be categorized; therefore, the evidence management system will automatically maintain/retain recordings entered by the user, as applicable, in accordance with Body Worn Cameras OPS 0103: Section 5. Procedures (J) Classification and Retention.

M. Internal Use of Recordings

1. The MVS system is not intended to be used as a disciplinary tool against deputies for minor violations of policies or procedures.
2. Supervisors will not arbitrarily review video/audio recordings for the purpose of identifying minor infractions of Agency policies or procedures.
3. When cases of misconduct and/or repetitive negative behavior are brought to the attention of the Agency via supervisor review and/or an official complaint, the video file may be reviewed and be used as the basis for performance counseling or disciplinary action.
4. The Agency may use video files for training or other purposes with the approval of a Division Commander.
5. MVS video/audio recordings should be used by Field Training Deputies to review the actions of probationary deputies participating in the field-training program.
6. Handling of the recording will be consistent with the practice of handling other items of evidence with respect to chain of custody requirements.

N. Video Data Duplication


1. All recordings produced by Agency MVS recording equipment are the exclusive property of the HCSO.
2. Recordings will only be duplicated for official purposes.
3. Copies of recordings needed for court, training, or other official purposes will be produced by the Digital Image Manager.
4. All requests for copies of a recording from anyone other than the involved deputy or an Agency supervisory/management authority, will be in writing and directed to the Public Information Act (PIA) Liaison.
 - a. This request must be made at least 30 days in advance of the need to allow for review, processing and the time needed to create the copy.
 - b. Requests for approval can only be submitted through the following methods:

- i. Through the online system <https://app.govquest.com> that allows requestors to pay and receive records electronically; or
 - ii. By using the Request for Public Information ([SO-071](#)) and submitting by mail or in person to the HCSO Headquarters.
- c. All requests for video will be required to pay a deposit prior to processing of the request.
- i. Processing will not begin until initial payment is received.
 - ii. The requestor will be notified of any final payment due after all processing is completed. If payment is not received within 30 days of the final payment notice, the request will be closed and the deposit will be forfeited.
 - iii. Any final payment due must be paid prior to releasing of videos.
 - iv. Requests for videos copied to CD/DVD media will be assessed an additional \$20 fee.
- d. This fee is waived for intra-agency, allied law enforcement, State's Attorney Office, Harford County Law Department and Office of the Attorney General requests.
5. In the event of an accidental activation of the MVS, an employee may request a video, or a portion thereof, be deleted by completing a [BWC/MVS Recording Deletion Request \(SO-263\)](#) and email to BWCU@harfordsheriff.org.
6. If an employee fails to activate the MVS, 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 a BWC/MVS Malfunction/Fail to Record [SO-264](#) and email to BWCU@harfordsheriff.org.
7. To maintain the reliability of the program, deputies will communicate via their chain of command any video-related court challenges, or incidents where video footage is dismissed from a court proceeding.

5. Summary of Changes

- A. Added the following under Section 3. References:
1. Request for Public Information ([SO-071](#));
 2. Body Worn Cameras [OPS 0103](#);
 3. Body Worn / Mobile Video System Request ([SO-111](#));
 4. Body-Worn Camera (BWC) / Mobile Video System (MVS) Recording Deletion Request ([SO-263](#));
 5. Body-Worn Camera (BWC) / Mobile Video System (MVS) Malfunction / Fail to Record ([SO-264](#)).
- B. Under Section 4. Procedures, (E)(3) Equipment Functions: added "the VMS recorder will be activated automatically when vehicle speed exceeds 75 MPH."
- C. Removed references to remote microphones and remote transmitters, and added references to the MVS system Dashboard application, and the [Evidence.com](#) software application.
- D. Revised text under Section 4. Procedures, (H)(1) Prisoner/Inmate Transports, to acknowledge video and audio recording will be engaged unless the prisoner wants to confess or provide information regarding a crime but does not want to be recorded via audio.

- E. Revised text in Section 4. Procedures, Video File Uploading: (K)(1), (K)(5), (K)(6), and (L)(10) pertaining to MVS storage, video labeling, classification, and retention of recordings to conform to Body Worn Cameras [OPS 0103](#) policy, as appropriate.
- F. Updates made to text in Section 4. Procedures, (N) Video Data Duplication: pertaining to the process for requesting copies of recordings to include the processing of fees.
- G. Added text in Section 4. Procedures, Video Data Duplication: (N)(5), (N)(6), and (N)(7) pertaining to accidental activation of the MVS, incidents of failure to record or MVS malfunction, and how to report issues related to court challenges or court proceedings.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 11-01-24