

BERLIN POLICE DEPARTMENT  
BERLIN, MARYLAND

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| SUBJECT:<br>IN-CAR VIDEO SYSTEMS                       |   | NO:<br>400 H-1  |
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.10 PURPOSE

The purpose of this policy is to provide guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems.

.20 POLICY

It is the policy of the Berlin Police Department to use IN CAR CAMERAS in its patrol vehicles. The use of an IN CAR CAMERA system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices should adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the IN CAR CAMERA and the integrity of evidence and related video documentation.

.30 PROCEDURES

A. Program Objectives

The Berlin Police Department has adopted the use of IN CAR CAMERA to accomplish the following objectives:

1. To enhance officer safety.
2. To accurately capture statements and events during the course of an incident.
3. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
4. To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.
5. To capture visual and audio information for use in current and future investigations.

## B. General Procedures

It should be the responsibility of the Berlin Police Department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.

- a. IN CAR CAMERA equipment should automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
- b. Placement and operation of system components within the vehicle should be based on officer safety requirements.

## C. Officers' Responsibilities

1. Inspection and general maintenance of IN CAR CAMERA equipment installed in departmental vehicles should be the responsibility of the officer assigned to the vehicle.
  - a. IN CAR CAMERA equipment should be operated in accordance with the manufacturer's recommended guidelines and departmental policies.
  - b. Prior to beginning each shift, the assigned officer should perform an inspection to ensure that the IN CAR CAMERA is performing in accordance with the manufacturer's recommendations.
2. Malfunctions, damage or theft of in-car camera equipment should be reported to a supervisor as soon as practical.

## D. Incidents that should be recorded

1. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
5. When the IN CAR CAMERA is activated, officers should ensure that the audio portion is also activated so all events are properly documented.

E. Operational Protocols

1. To prevent bleed over and/or noise from other IN CAR CAMERAS in systems using low band transmitters (analog), only the primary officer initiating the contact should activate his or her audio recorder.
2. Officers using the 900Mhz digital transmitters that are individually synchronized to their individual IN CAR CAMERA should activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
3. Officers may review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
4. With the exception of police radios, officers should ensure that the volume from other electronic devices within the police vehicle does not interfere with IN CAR CAMERA recordings.
5. Whenever IN CAR CAMERAS are used to document a traffic stop or public contact, the officers shall advise the individuals involved that they are being audibly and visually recorded.
6. When the IN CAR CAMERA is activated to document an event, it should not be deactivated until the event has been concluded unless:
  - a. The incident or event is of such duration that the IN CAR CAMERA may be deactivated to conserve recording times; and the officer does not reasonably believe that deactivation will result in the loss of critical information; and the intention to stop the tape has been noted by the officer.
  - b. The recording media should be replaced when the recording time remaining is less than 1 hour, for long playing media lasting 6-8 hours, or 30 minutes for Hi8 analog or digital media with recording time of 5 hours or less.
7. Officers shall not erase, alter, reuse, modify or tamper with IN CAR CAMERA recordings. Only the Chief of Police or his/her designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
8. IN CAR CAMERA recordings should be marked as containing evidence and submitted to the property custodian to be held and/or duplicated for possible criminal prosecution or civil litigation whenever an officer or supervisor believes the recording may have evidentiary or probative value. Note all vehicle pursuits shall be submitted as evidence.

F. Supervisors' Responsibilities

1. Supervisors shall issue unrecorded media (tapes or discs) and prior to issuance, should assign and affix a tracking number to the exterior of the media. A record of each media device shall be documented in a media log for each vehicle.
2. The Media log should include, but need not be limited to:
  - a. Tracking number of media (Vehicle# + year + tape#)
  - b. Date placed in vehicle
  - c. Issuing supervisor
  - d. Date removed from vehicle
  - e. Removing supervisor
  - f. Hold for evidence indication (Y/N Case#)
3. For the purpose of accountability, no officer shall load or remove recording media from their assigned vehicle.
4. When an incident arises that require the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor should respond to the scene and ensure that the recorded media is properly retrieved. The supervisor should then place the media into evidence and ensure the appropriate notation is made in the media log.
5. The supervisor should periodically review the media log to ensure that issued media is surrendered in a timely manner. The supervisor is responsible for determining causes for such problems (e.g., unreported problems with the IN CAR CAMERA equipment or equipment not being used in accordance with departmental policy).
6. Supervisors who are informed or otherwise become aware of malfunctioning equipment should ensure that authorized personnel make repairs in a timely manner.
7. Supervisors should conduct periodic reviews of officer assigned media in order to periodically assess officer performance; assure proper functioning of IN CAR CAMERA equipment; determine if IN CAR CAMERA equipment is being operated properly; and identify recordings that may be appropriate for training.
8. Minor departmental infractions (not criminal) discovered during the routine review of recorded material should be viewed as training opportunities and not used as a tool to search for disciplinary problems. Should the behavior or action become habitual after being initially addressed, the appropriate disciplinary or corrective action should then be taken.

#### G. Retention

The Chief of Police or his/her designee shall be responsible for the ordering of new media and the storage, cleansing (erasing), and the duplication of all recorded media.

1. Long-term storage of media deemed to be of evidentiary value shall be handled consistent with the department's evidence storage protocols and retained beyond all dates of appeal of adjudicated cases and beyond any statutes of limitations of open cases. Note the States Attorney's Office should be contacted prior to the destruction of evidence pertaining to open cases.
2. The cleansing (erasing) and re-issuance of all other media deemed to be of no evidentiary value shall be consistent with the department's retention requirements.
3. All recorded media shall be kept for a minimum of (1) one year.

#### H. Media Duplication

1. All recorded media, recorded images and audio recordings are the property of the Berlin Police Department. Dissemination outside of the agency is strictly prohibited without authorization of the Chief of Police or his/her designee.
2. To prevent damage to, or alteration of, the original recorded media; it should not be copied, viewed or otherwise inserted into any device not approved by the Chief of Police or forensic media technician.
3. When possible and practical, a copy of the original media should be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.
4. At the conclusion of the trial proceedings or as otherwise authorized by the Attorney's Office for which the media was required, the original shall be submitted to the Berlin Property Room for further storage.