

Body Worn & In Car/Interview Room Camera Systems

Index Code: 503

Effective Date: 11/01/15 (Revised 7/24/2023)

I. Purpose

The purpose of this directive is to establish uniform procedures for the use of the Body Worn Camera System (BWCS), in car and interview room camera systems by sworn employees of the Queen Anne's County Office of the Sheriff.

II. Policy

- A. BWCS, In Car Camera and interview room systems allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- B. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- C. BWCS and In Car Camera systems may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
- D. Only BWCS, In Car Camera and interview room systems and recordings authorized by the Office of the Sheriff may be used.

III. Definition

- A. For purposes of this directive, the Body-Worn Camera System (BWCS) and In Car Camera systems are camera systems that are either worn on the person of a uniformed law enforcement officer, or an officer prominently displaying the officer's badge and/or other appropriate insignia to clearly identify them as a law enforcement officer, or installed into a deputy's agency vehicle by providing capabilities to record video and intercept communications. (Note for the BWCS: Articles of clothing containing the words "Police" alone do not satisfy the "wearing insignia" requirement.)
- B. The agency CIU interview room recording equipment shall upload all recordings to the same recording/storage management system as both the BWCS and the In-Car-Camera systems.

IV. Legal Considerations

- A. Pursuant to the "State Wiretap Act" under Sections 10-401, et seq. of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, it is unlawful for any person to willfully intercept, endeavor to intercept, disclose, and endeavor to disclose, use, or endeavor to use any oral communications, except as otherwise specifically provided in this title. "Oral communication" means any conversation or words spoken to or by any person in private conversation.

- B. The State Wiretap Act makes it lawful for a law enforcement officer, in the course of the officer's regular duty, to intercept an oral communication with a body-worn digital recording device (and In Car Camera system) capable of recording video and oral communication if:
 - 1. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;
 - 2. The law enforcement officer is a party to the oral communication;
 - 3. The law enforcement officer notifies, as soon as practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
 - 4. The oral interception is being made as part of a videotape or digital recording.
- C. The State Wiretap Act also makes it lawful for a law enforcement officer to intercept an oral communication where the officer is party to the communication and where all parties to the communication have given prior consent to the recording. This provision as well as that of IV (B) above are satisfied even if another individual becomes a party to the communication after the initial notice has been provided.

V. General Operating Procedures

- A. Only deputies trained in the proper use of the BWCS, in car and interview room cameras are authorized to use the systems.
- B. The Chief Deputy shall designate a commander to oversee the BWCS, In Car Camera system, and the CIU Interview Room Recording Device as its program manager. That commander should designate a subordinate as their assistant.
- C. The CIU Supervisor shall be the primary contact for the CIU Interview Room Recording system and be familiar with its operation.
- D. Prior to going into service at the beginning of each shift, deputies will perform an inspection of the BWCS and In Car Cameras in accordance with their training to ensure that the BWCS and the In Car Camera system is operating properly. If there is a malfunction of the BWCS and or the In Car Camera system, the affected deputy must report the malfunction to their on-duty supervisor as soon as practical, notify dispatch and document the malfunction by way of interoffice correspondence and or county email. The on-duty supervisor shall assure that the BWCS and In Car Camera system manager is informed of the malfunction for appropriate resolution.
- E. Deputies will wear their BWCS and operate their In Car Camera system in the manner consistent with their training at all times and with the power on (BWCS) in standby mode.
- F. Deputies are only authorized to use BWCS or In Car Camera system while in uniform or when prominently displaying the deputy's badge or other insignia.
- G. Regarding secondary employment, if the deputy is authorized or required to wear their uniform or prominently display their QASO badge or other insignia, and or use their agency marked vehicle for the secondary employment, both the BWCS and In Car Camera system must be utilized and their QASO badge or other insignia must be displayed.
- H. Deputies will only wear and operate a BWCS or In Car Camera system issued by the Queen Anne's County Office of the Sheriff.