

Lower Frederick Township Police Department
Body Worn Cameras 73-070

I. Purpose:

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

II. Policy:

It is the policy of the Lower Frederick Township Police Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her 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. Violation of this policy shall subject the violator to the department's disciplinary policy.

III. Definitions:

Facial recognition software/programs - The process of biometric identification accomplished by electronically scanning a person's face and comparing it to a library of known faces.

File - All sounds, images, and associated metadata captured by the body worn camera.

IV. Procedure:

A. Administration

The Lower Frederick Township Police Department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs 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.
2. Audio and video recordings 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.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
2. Although not required by law if the officer is in uniform or otherwise clearly identifiable as a law enforcement officer, whenever feasible officers should inform individuals that they are being recorded using the statement, "I am Officer X of ABC Police Department and this encounter is being audio and video recorded." There is data suggesting individuals may behave more civilly if they know their words and actions are being recorded.
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are not in uniform must be clearly identifiable as a law enforcement officer in order to record inside a residence. Approved means to accomplish this requirement shall include: the officer identifying themselves as being a law enforcement officer

while on camera; displaying a badge; or displaying department issued identification.

2. Officers who are assigned BWC equipment must use the equipment throughout their shift unless otherwise authorized by supervisory personnel.
3. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
4. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
5. BWC equipment is the responsibility of individual officers and will be used with reasonable-care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
6. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
7. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the chief executive officer (CEO) or his or her designee.
8. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
9. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
10. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the chief executive officer or his or her designee in accordance with state

record retention laws. All requests and final decisions shall be kept on file.

11. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

D. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the chief executive officer (CEO);
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities;
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
5. While conducting interviews with in the Police Department building with witnesses, suspects and victims which will be recorded, in connection with the policies established by the Montgomery County District Attorney's Office and shall utilize approved recording equipment.

E. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC files must be specifically authorized by the CEO or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

F. Use of Facial Recognition Software or Programs

1. In response to actual or suspected criminal activity, police personnel are authorized to employ facial recognition software/programs for investigative purposes including but not limited to identifying suspects, individuals with outstanding warrants, crime victims and/or missing persons.
2. Police personnel utilizing facial recognition software or programs to analyze data collected via body worn cameras shall have completed prior training in the proper use of said technology.
3. Any additional data generated by facial recognition software or programs shall be managed in the same manner as the original body worn camera data.

G. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

H. Public Access to Policy

1. This policy shall be posted on the municipality's public access website and shall be freely available for review by the public without restriction.

I. Review

This policy shall be reviewed periodically and shall be amended as needed.

J. Effective Date

This order effective May 25, 2021

BY ORDER OF Chief Paul E. Maxey
Chief of Police