



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **MOBILE VIDEO RECORDING**

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

It is the policy of the Cottage City Police Department to use audio and video recording equipment for the purpose of collecting evidence which can be used in the prosecution of those who violate the law, enhance officer safety and review situations which result in personnel complaints.

For the purposes of this order, audio video recording equipment is defined as any recorder that uses a standard audio-video recording format and generally refers to in-car mounted cameras, microphones and equipment for recording, storing and transmitting images. It is the policy of this department that audio-video recording equipment is installed in all marked patrol vehicles and that the recording equipment is automatically activated at any time the vehicle's emergency equipment is activated.

II. PROCEDURES

- A. Officers shall utilize only department issued audio-video recording equipment and tapes or digital video disks (DVD's) for law enforcement purposes.
- B. Video tapes and DVD's provided by the department for evidentiary purposes will not be utilized for any purpose contrary to this policy.
- C. Audio-video recording equipment installed in police vehicles shall be utilized to record all traffic stops.

- D. Audio-video recording equipment installed in police vehicles may be utilized to record citizen contacts.
- E. In accordance with Maryland law, officers shall advise all persons stopped for traffic or other violations that they are being audio and video recorded.
- F. Officers shall, when they initially approach the violator, state clearly "I am Officer (your name). This traffic stop is being audio and video recorded".
- G. During traffic stops, officers will be required to activate the wireless microphone at all times when the recording equipment is in operation and the officer is in contact with the violator.
- H. Officers may activate the audio-video recording equipment for safety reasons during citizen contacts or for potential evidentiary reasons. Officers shall advise the citizen that the encounter is being recorded.
- I. Officers shall not turn off the audio-video recording equipment during a traffic stop, during a pursuit, or during any other time in which the vehicle's emergency equipment is activated. The only exception is if the police vehicle is parked and stationary while the officer is engaged in traffic control.
- J. Officers shall not erase or re-use departmental audio-video tapes or DVD's.
- K. Officers shall monitor the time expired on the recording equipment and, prior to the tape reaching its end or DVD reaching its capacity, notify a supervisor to have the video tape or DVD changed.
- L. Audio-video tapes or DVD's shall only be removed from the recording equipment by a supervisor.
- M. Audio-video recording tapes and DVD's shall be reviewed by supervisors periodically to ensure conformance with this directive and others, officer safety issues, and for training purposes.
- N. All audio-video tapes and DVD's shall be clearly marked at the time of issuance with the officer's name/ID, unit number, date and time installed and when removed, the date and time of removal.

- O. Audio-video tapes that are not held as evidence shall be securely stored in a locked cabinet and may be re-issued 6 months after being removed from a vehicle.
- P. DVD's that are not being held as evidence shall be securely stored in a locked cabinet and shall not be re-issued.
- Q. Audio-video tapes and DVD's that are removed and held as evidence shall be processed and secured in the evidence locker as any other piece of evidence.

III. RESPONSIBILITIES

- A. All operators/users of audio-video recording equipment shall ensure proper care of the equipment as dictated by the manufacturer's instructions and training provided.
- B. Officers shall ensure there is a fresh, charged battery in the wireless microphone at the start of each shift. A supply of the proper size batteries is available at all times.
- C. Officers shall make sure the audio-video recording unit is turned on, properly functioning and ample space is available for recording at the beginning of each shift. Officers shall report any malfunction of the equipment immediately to their supervisor.

IV. RESPONSIBILITIES OF SUPERVISORY PERSONNEL

- A. Supervisors will periodically check the audio-video recording equipment installed in the police vehicles to ensure they are functioning properly.
- B. Supervisors will remove and replace audio-video tapes and DVD's that are nearing the limits of recording capacity. Audio-video tapes that will not be kept as evidence shall be rewound and secured for later re-issue after 6 months. DVD's will be stored indefinitely but not be re-issued.
- C. Supervisors will submit any audio-video tape or DVD that is evidence into the temporary evidence locker with the accompanying evidence forms.
- D. Supervisors will report any malfunctioning of the equipment to the Chief of Police who will make necessary arrangements to have the equipment serviced, repaired or replaced.

V. REQUESTS FOR COPIES OF AUDIO-VIDEO TAPES OR DVD's

Audio-video tapes and/or DVD's will not be made available for public viewing.

- A. All requests for copies of recorded audio-video tapes/DVD from other law enforcement agencies or individuals with specific interests will be directed to the Chief of Police.
- B. Copies of recorded material for other law enforcement agencies will be made on tapes/DVD provided by the requesting agency.
- C. Copies of audio-video tapes or DVD's by individuals or the private sector will be granted on a case-by-case basis. No material will be released until it has been reviewed by the Chief of Police and it has been determined that the image or images or audio is not currently of evidentiary value.
- D. Tapes or DVD's that are not evidence will only record the specific incident or time frame specified by the requester. There is a \$25 fee required for copying this material payable to the Cottage City Police Department. Pre-viewing by the requester is not possible prior to payment of the associated fee.
- E. When an officer is notified of an impending court case in which an audio-video tape/DVD is evidence, shall, as soon as possible, notify the Chief of Police or Lieutenant so the item can be retrieved from the evidence vault. If the evidence will only be screened by the prosecutor for possible use, a copy of the incident or the time frame will be recorded and provided. This ensures the original tape/DVD is intact and remains in the evidence vault until its use is required in court.
- F. Upon receipt of a Motion for Discovery, authorized by a proper judicial authority ordering a copy of the recording, the department will comply with the court order by producing a copy of the audio-video tape or DVD. However, the copy will reflect only the incident or time frame in question. There will be no charge for court ordered or State's Attorney's copies of tapes/DVD's.