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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE ADMINISTRATIVE POLICY

Mobile Video Systems in Vehicles

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1. 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.

2. 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.

3. Definitions

MOBILE VIDEO SYSTEM (MVS): 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: a manufactured software package that is designed to operate, download, and/or administer the MVS system.

DIGITAL IMAGE MANAGER: an employee responsible for the management, storage, and security of all MVS Recording Files. The Digital Image Manager and the Computer Support Unit are the only personnel authorized to copy MVS recording files.

4. References

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

5. 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. Therefore, 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: 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:

Body Microphone: the wireless remote microphone transmitter has a microphone built into the transmitter. An extension microphone, which connects by wire, is also to be worn closer to the head to support audio clarity.

Vehicle Microphone: the internal microphone allows audio recording of normal speech within the interior of the vehicle, independent of the remote audio transmitters. The interior microphone actively records whenever the system is in the record mode.

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 Computer Support Unit will be responsible for the management of the other MVS client software, and maintenance of download stations and storage servers.
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 and will immediately log any problems with the camera system via MDC/Status Change/1CAM. Subsequent entries on the MDC must be made at the beginning of every shift where the camera is not fully operating.

- a. Deputies will also notify their immediate supervisor of any camera issues via email.
 - b. A daily report of status changes involving the cameras will automatically be forwarded to the Electronic Services Unit via the CAD system.
7. Supervisors will visually inspect the MVS system and test the equipment for proper function randomly, and as part of the monthly vehicle inspection and document on the monthly inspection sheet.
- a. If problems are discovered during supervisory inspections, the deputy issued MVS system will immediately log the camera system problem via MDC/Status Change/1CAM.
 - b. The deputy will make subsequent entries on the MDC at the beginning of every shift during which the camera is not fully operating.
 - c. 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.
10. Transmitters will be worn as designed and intended by the manufacturer. A comfortable and convenient location on the duty belt is recommended, and the transmitters will be protected as much as is practical. Wireless microphones and their cords can be fragile.
- 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 Video Processing Unit's media access door will be locked at all times.
 3. The recorder will be activated in one of four ways:
 - a. Manually: by pressing the "Record" button;
 - b. Automatically: by activating the vehicle's emergency lights or siren;
 - c. Automatically: when the vehicle is involved in a collision;
 - d. Remotely: by activating the unit's wireless microphone.
 4. Regardless of how the recorder is activated, it can be turned off using the MVS client in the MDC; or manually, by pressing the "Stop" feature on the microphone.
 5. 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.
 6. 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 as the "Operator" to ensure proper functioning.
6. The remote microphone transmitter will be worn/attached on the duty-belt at all times while the deputy is on duty unless the deputy is wearing a Body Worn Camera. The wireless transmitter has a microphone built into the transmitter.
7. The use of an extension microphone with the transmitter is mandatory. This microphone, which connects by wire, is worn on the upper chest or shoulder area, on the outer layer of the uniform, closer to the deputy's head to support audio clarity.
 - a. The wire and extension microphone will be securely concealed within the uniform shirt.
8. Deputies will ensure the transmitter is fully charged prior to each shift.
9. While on duty, and any time the recorder is on while the deputy is outside the vehicle on a traffic stop; the microphone will also be activated.
 - a. The deputy will narrate those things which are outside of the camera's view.
10. 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.
11. Once a recording has started, deputies will not cease audio and video recording until the closure of the traffic stop or other citizen contact.
12. Deputies will not attempt to erase, reuse, tamper with or attempt to modify recordings in any way.
13. 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; or
 - d. Emergency road closures; tree/wires down, to include accident / crime scene roadblock.
Circumstances where the MVS system would be capturing video data of no value.
14. The in-car microphone will be enabled at all times, except when consent for audio recording has not been granted by another party inside the vehicle.

15. No attempt will be made to disable the in-car microphone, wiring, or the audio recording components.
16. 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.
17. Deputies will carry their remote microphone transmitters in their patrol vehicles. Use of the transmitter during off-duty incidents is encouraged and permitted, but not mandatory.
 - a. If the transmitter is used during an off-duty event or incident, the use of the wire and extension microphone is not mandatory.
18. 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 can continue throughout the transport of the arrestee to the detention center.

H. Prisoner Transports

1. Video and audio recordings will be made of all prisoner transports.
2. Deputies will activate the rear seat camera or prisoner van cameras by manual switch prior to an arrestee being placed in the rear of a MVS equipped vehicle and continue recording throughout the transport of the prisoner.
3. Prior to transport, prisoners 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 turned off if the citizen requests to not be recorded during the field interview.
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) .

9. Deputies will also notify any assisting deputies that they are being recorded by using the caution code "AV" (audio visual).
 - a. Deputies are not required to discontinue recording of a public incident at the request of anyone other than a supervisor.

- 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;
 6. Vehicle searches and inventories;
 7. Any confrontational contact with a citizen/violator, including all acts of hostility and violence; and
 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. Whenever a video/audio recording is made of a crime or incident and a written report is generated, a note of the recording (video and/or audio), or multiple records if more than one deputy recorded the event, will be included in the narrative portion of the report.
 10. When preparing reports, deputies may utilize the video recording system's playback feature to review the incident.
 11. Deputies will not use the MVS to covertly record other police personnel.
 12. 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.
 13. No attempt will be made to disable or damage the MVS system.
 14. 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.
 15. 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 two types of automatic uploading for the transfer of MVS files.

- b. One upload/file transfer option involves the use of secure wireless connections from dedicated Agency locations.
 - c. The second 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 or the Digital Image Manager.
 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 client software 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.
 6. When classifying an evidentiary video file, the deputy will include the related case number in the "Case File#" field.
 7. MVS video files are the property of the Harford County Sheriff's Office.
- 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 MVS Client software. 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 MVS client software, 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 MVS client software.
 - 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 Harford County Sheriff's Office property, other than for official business.
 5. Requests made by the Harford County State Attorney's Office, the Harford County Law Department, 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 Law Department/AG personnel will be required to submit a completed SO-111 to the Harford County Central Records.
 - b. The completed SO-111 will be forwarded to the Digital Image Manager.
 6. All requests for copies of MVS recording files by media, citizens, 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 (SO-071).
 - a. If the request is approved by the Custodian of Records or designee, a SO-111 will be completed and 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, **Law Enforcement Support Specialists (LESS)**, or Computer Support Unit 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 classified; therefore, the MVS system will automatically maintain/retain recordings in accordance with the classification entered by the user.
 - a. Recordings classified as anything other than a test video will be retained in the MVS system for 545 days.
 - b. Recordings classified as test videos will only be retained in the MVS system for three days.
11. Recordings containing material of essential or evidentiary value, such as arrests, assaults, physical or verbal confrontations or incidents which may result in a citizen's complaint, will be classified using one of the classifications available within the dropdown menu.
12. Data stored on the MVS server and classified as anything other than a test video will continue to be held on the server for a minimum period of 545 days. The server will automatically erase bookmarked recordings on the 546th day.
13. Deputies needing MVS recording files for evidentiary purposes, beyond the 545-day period, will request that a copy of the MVS recording file be produced and placed into evidence/property by the Digital Image Manager. This request will be made using the SO-111 form.

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. However, 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 Harford County Sheriff's Office.
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 via chain of custody to the Property Unit. If the Digital Image Manager is unable to produce a copy of the requested recording, the Computer Support Unit may assist.
4. Any person requesting a copy of a recording must sign an agreement stating the copy being obtained is only to be used for the purpose(s) stated in the request.
5. Copies obtained for court will be returned to the Property Unit at the completion of the proceedings.
6. 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 Custodian of Records.
 - 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. Any approved request will require a Request for Public Information (S0-071) to be completed by the requestor.
 - c. All approved requests will be copied only after the \$75.00 duplication fee is received.
 - 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.
7. All intra-agency requests for copies of recordings will be made at least 14 days in advance of the anticipated need.
 - a. The requesting employee will complete a SO-111 and submit it through the chain of command to their Lieutenant or highest-ranking unit supervisor.
 - b. Requests will normally be submitted by the originating deputy; however other intra-agency personnel with a demonstrated need will be considered.
8. In exceptional cases, the 14-day advance notice rule may be waived, expediting a request.
 - a. The request for such a waiver will be in the form of an email addressed to the requesting members Division Commander.
 - b. The email will explain the need for the waiver.
 - c. The email will include a scanned/attached copy of the SO-111.
 - d. If approved, the Division Commander will forward the request and SO-111 to the Digital Image Manager requesting that the 14-day period be waived.
9. Requests for copies by command personnel, or the Office of Professional Standards are exempt from the 14-day advance notice rule.
10. When a SO-111 is completed, it will be presented to the Digital Image Manager.
 - a. The Digital Image Manager will be responsible for having the video file copied in a timely manner.

- b. The copy produced by Digital Image Manager will be immediately submitted to the Property Section via a Property Record under the original incident number.
11. All copied recordings will be picked up in person from Property and will be signed for by the person having authority to have the copy made.
- a. That person will have responsibility for the security of the recording and will return it to Property as soon as the purpose for which it was requested is served.
 - b. This will be upon completion of a court case, or other legal proceeding, where the recording was needed.
12. Handling of the recording will be consistent with the practice of handling other items of evidence with respect to chain of custody requirements.
- a. In this regard, deputies will normally pick up recordings just prior to any legal proceeding, unless viewing of the recording by prosecutors or other authorized persons involved in the case is necessary.
13. 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.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 11/22/2021