

## Body Worn Cameras SOP

### 204.1 PURPOSE

The purpose of this standard operating procedure (SOP) is to provide members with instructions on when and how to use body worn cameras (BWC) so that members may reliably record their contacts with the public in accordance established policy and current law. It also provides an outline for collection and documentation of evidence. These procedures are consistent with the department's BWC policy (Policy 424 – Body Worn Cameras).

### 204.2 SCOPE

The procedure shall apply to all department employees who are issued the BWC equipment, which is designed to record both audio and video. The department and individual officers are likely to be scrutinized whenever there is no video on an incident where video would be helpful. All department members, whether required to wear a BWC or not, shall be familiar with the administration and operation of the departmental BWC program and adhere to the procedures set forth herein. The assignment of BWC will be as follow:

- (a) The Chief of Police has determined that all sworn officers will be equipped with BWC and shall determine the types(s) of duty assignment (e.g., uniformed patrol, plainclothes detectives, special/tactical operations deployments, etc.) when those officers will wear BWC.
- (b) BWC will be assigned to uniformed post coverage personnel. Personnel who are assigned BWC must use the equipment unless otherwise authorized by the Chief of Police or authorized designee holding the rank of Sergeant or above, which shall include Officer-In-Charge.
- (c) BWC will be assigned to officers at the rank of Sergeant and below and will be required to be used by officers working in a uniformed capacity, including Extra Duty and/or Special Events, in an assignment that necessitates regular contact with citizens.

### 204.3 PROCEDURE

- (a) BWC will be worn and utilized for the entire shift. Assigned personnel on each shift will remove a camera from the charging station at the beginning of their shift and return it to the charging station at the end of their shift, leaving it in the "ON" position while charging.
- (b) At the start of each applicable shift or assignment, to include Extra Duty and/or Special Events, each officer assigned a BWC will ensure the recording system is receiving power and functioning properly and will check to make sure the ready status light is on.
- (c) Any Officer discovering their issued system is not operating correctly must notify their direct supervisor immediately and arrange for a replacement device and documenting any functional deficiency initiating process for repair.
- (d) The BWC shall be activated to gather and record the following types of events by all officers involved:

## *Body Worn Cameras SOP*

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1. All dispatched calls for service
  2. Traffic stops
  3. Pursuits – vehicle or foot
  4. Potentially confrontational citizen contacts
  5. Physical arrests
  6. Use of force situations
  7. Suspicious vehicle/person calls
  8. In-custody Miranda rights advisement and interviews (unless recording by other means inside police facilities)
  9. Alarm responses (i.e., irradiator alarm, etc.)
  10. Any other law enforcement activity which the officer feels could benefit from use of the BWC.
  11. When a Victim/Witness or suspect is interviewed, the person(s) should be informed the interview will be recorded unless the victim/witness objects. The refusal should be stated on the video by the victim/witness or suspect, before the video is turned off and should be documented in the report.
- (e) The video is tagged and the proper video request form is completed and forwarded to the Technical Services Lieutenant, and all necessary reporting is completed before the end of their tour. All reports will list every officer on the scene, no matter how long they were there and their BWC number. Supervisors will ensure every member of their squad reads and understands Written Directive 424 (Body Worn Cameras) and state laws regarding BWC usage.

### **204.4 OPERATION**

- (a) The University of Maryland, Baltimore Police Department recognizes there are certain circumstances where officers may require immediate action to prevent injury, destruction of evidence, or escape. In these types of situations officers shall activate the BWC if doing so does not place them or others in danger. If immediate activation is not feasible, the officer will activate the camera at the first available opportunity, when the immediate threat has been addressed (refer to Policy 424 for further details).
- (b) The BWC may be manually deactivated by officers when they reasonably believe doing so will not result in the loss of critical documentary information, to protect tactical or confidential discussions or briefings, or when directed to do so by a supervisor. The deactivation will be documented on the video and in the report. Additionally, the officer must notify his/her supervisor of the deactivation and be able to articulate the reason for doing so. The following circumstances, which are not all inclusive, shall result with the officer deactivating his/her BWC:
  1. Prior to conducting a strip search, the officer shall record a 360—degree video of the location where the strip search will be conducted. During the actual

## *Body Worn Cameras SOP*

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- strip search, the BWC shall be utilized to capture only audio of the event by positioning the camera away from the subject of the search.
2. When taking statements from/conducting interviews of persons who are victims of a crime of a sexual nature or medical professionals providing information pertaining to related examination(s) of the victim. Upon completion of the interview, the BWC shall be reactivated until completion of the event.
  3. When taking statements from juvenile witnesses/victims. Upon completion of the interview, the BWC shall be reactivated until completion of the event.
  4. When continuing to record would hinder the cooperation of a non-suspect.
  5. When an officer can articulate that continuing to record could compromise the safety or security of a witness or victim.
- (c) If a request is made for a BWC to be turned off by a party being contacted, the officer should take into account the overall circumstances and what is most beneficial to all involved before deciding to honor the request. For example, an officer may choose to turn off the BWC if its operation is inhibiting a victim or witness from giving a statement. Factors to consider may include the type of call and the vulnerability of the victim, such as the victim of a sexual assault.
- (d) No member will deploy a Taser unless he/she is equipped with a working BWC.
- (e) When an arrest is made or traffic stop where citations are issued, mark the video, fill out the video request form completely, and send it to the Technical Services Lieutenant before the end of their tour. Upon receiving copies of the video, one copy goes in evidence for court and one copy is to be delivered to the Assistant States Attorney's Evidence Review Unit located at 110 N. Calvert St. within 72 hours (except on weekends) of arrest or stop.

### **204.5 MEMBER RESPONSIBILITIES**

Prior to going into service, Sergeants and below assigned to Patrol will be responsible for ensuring that he/she is equipped with a department issued approved BWC, and that the recorder is in good working order. If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and immediately obtain a functioning device. Uniformed members shall wear the BWC in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Md. Code CJ § 10-402).

Any member assigned to a non-uniformed position may carry a departmentally approved BWC at any time he/she believes that such a device may be useful and may use it in compliance with the law (Md. Code CJ § 10-402). Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members shall wear the BWC in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a BWC, the assigned member shall record his/her name, UMBPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the

## *Body Worn Cameras SOP*

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recording device and related software captures the user's unique identification and the date and time of each recording.

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members shall include the reason for deactivation.

### **204.6 SUPERVISOR RESPONSIBILITY**

To ensure program integrity, it is imperative that supervisors adhere to the following procedures:

- (a) Supervisors, through visual inspection will ensure every member is equipped with a working BWC prior to leaving roll call.
- (b) Supervisors will ensure the proper BWC camera number is recorded on each officer's daily activity sheet and the run down.
- (c) Supervisors will randomly inspect and document on the officer's daily activity sheet the BWC being utilized by the officer.
- (d) Supervisors will document any damage to any BWC equipment in a 95 report and forward this information to their immediate supervisor and IT supervisor. The defective equipment will be tagged and removed so it is not deployed.
- (e) Supervisors will ensure every BWC is returned to the docking station properly and left on the "power on mode" to down load at the end of their tour.
- (f) Supervisors shall ensure recordings of critical incidents (i.e., officer involved shootings, in-custody deaths, use of force resulting in serious injury or death, etc.) are properly uploaded and when practical, retrieve all BWC units from all officers involved at a critical incident scene. Only supervisors are authorized to assume custody of an officer's BWC and download the video following a use of force or serious incident.
- (g) Once a scene is stabilized and if there are numerous officers assigned to the scene who have assigned BWC devices activated, it is recommended the Supervisor evaluate each officer with the devices activated to ascertain if there is any value to what is being recorded. If there is no investigative value the supervisor should instruct the officers on the video to turn off their video with the reasoning for this request. The officer should immediately turn off the video. This will help prevent unnecessary accumulation of video that has no value to the case.

### **204.7 CONSENT REQUIRED FOR ACTIVATION OF THE PORTABLE RECORDER**

Generally, members are required to first obtain the consent of all parties prior to recording. However, prior consent is not required when (Md. Code CJ § 10-402):

- (a) The member is a party to the conversation and:
  1. The recording is in the course of an investigation of one of the offenses listed in Md. Code CJ § 10-402.
  2. The person has created a barricade situation and there is probable cause to believe a hostage may be involved.

## *Body Worn Cameras SOP*

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- (b) The member has detained a vehicle during a criminal investigation or for a traffic violation and:
  - 1. The member identifies him/herself as a law enforcement officer.
  - 2. The member is a party to the conversation.
  - 3. The member informs all other parties of the recording.
  - 4. The recording is made as part of a video recording.
- (c) The member is in uniform or prominently displaying his/her badge or other department insignia, indicating the member is a law enforcement officer and:
  - 1. The member is a party to the communication.
  - 2. The member is engaged in his/her regular duties as a law enforcement officer.
  - 3. All involved parties are notified that they are being recorded as soon as it is safe and practical.
  - 4. The audio recording is being made as part of a video recording.

Members shall provide notice that a recording is being made to any parties joining a conversation after the initial notice of recording has been given as soon as it is safe and practical to do so.

### **204.8 PROHIBITED USE OF BODY WORN CAMERAS**

The stipulations on the prohibited use of BWC are delineated in Policy 424, Section 424.7. These prohibitions are not all inclusive and shall include the following:

- (a) Be activated in police facilities unless in an official capacity, as part of an investigation.
- (b) Be used to record any personal (i.e., private, non-job related, etc.) activity. As a reminder, there is potential criminal and civil liability if this restriction is violated.
- (c) Be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.
- (d) Be used to record confidential informants or undercover officers unless approved by a Lieutenant or above.
- (e) Intentionally turning off the system in anticipation of a use of force incident or other confrontational citizen contact is absolutely forbidden, and will result in discipline, up to and including termination.
- (f) Officers shall not erase, alter, reuse, modify, or tamper with original audio/video recordings.

### **204.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members may review their recordings as a resource. (See Policy 305 - Officer-Involved Shootings and Deaths for guidance in those cases.) Also, witnessing members (other officers) will be allowed to review BWC recordings if it can be determined that their on-scene position would allow them to simultaneously perceive events in question from the same perspective as the involved member. However, members shall not retain personal copies

## *Body Worn Cameras SOP*

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of recordings. Members shall not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are also authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance. If a member is suspected of wrongdoing or involved in an officer involved shooting or other use of force, the UMBPD reserves the right to restrict the member and other personnel from reviewing the recording.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings shall be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity shall not be publicly released unless disclosure is required by law or order of the court.

### **204.10 VIDEO REVIEW**

- (a) The recorded video will be reviewed periodically during an officer's shift to ensure the video is properly tagged in the system. This can be accomplished by many different methods. The more common method would be to log into the system and select various videos within the time span of the officer's shift and review for compliance. Video should be reviewed prior to writing a report or use of force to ensure consistency. Although the video is a reference in a report, it shall not be excluded from the written details in the report. As an example the term "see video" should be avoided and a detailed description of what was observed in the video and what may have been out of view should be described in the report.
- (b) Any video that is uncategorized or tagged will be kept in the system for one year before it is deleted. All video that is tagged will follow a standard retention period based on the video tagging in conjunction with the State of Maryland Retention Schedule.
- (c) Consistent with the department's goal of increased transparency, BWC video depicting routine officer interactions of a noncriminal nature will be released according to the provisions of the Freedom of Information Act (FOIA). All such video will be reviewed critically to ensure that the privacy rights of all citizens are protected. The Technical Services and Records Lieutenant and PIO will ensure that all appropriate video redactions take place prior to releasing any BWC video.

## *Body Worn Cameras SOP*

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- (d) At the direction of the Operations Bureau Commander, Shift Commanders will review at least five (5) audio/video recordings each week, which will be documented and forwarded through the chain of command to the Deputy Chief of Police.

### **204.11 DATA TRANSFER/UPLOADING & STORAGE OF FILES**

- (a) To charge and upload the system, place the camera in the docking station in the on position, this will start the upload process and begin to charge the system.
- (b) All recordings will be downloaded by the end of the officer's shift. The downloaded recordings will be stored on the UMBPD server for one year before it is deleted. The UMBPD recognizes that circumstances may arise that prevent the download of recordings at the end of the officer's shift (i.e., late calls, device malfunctions, etc.). In those cases, officers will advise their supervisors of the delay and download the recordings during the next shift or as directed by their supervisor.
- (c) The downloading or converting of any recording captured by a BWC for any type of personal use is strictly prohibited.

### **204.12 SYSTEM MAINTENANCE**

- (a) The BWC recording system is an expensive and delicate piece of equipment. It will be the responsibility of the assigned officer to ensure that the system is operated and maintained according to the manufacturer's instructions.
- (b) If any part of the BWC recording system is lost or damaged, officers must immediately notify their supervisor and document the incident in writing.

### **204.13 RELEASE OF RECORDINGS**

- (a) It is the policy of the UMBPD that all recordings generated on departmental equipment are the property of the UMBPD. Copying, transmitting or other reproduction of any digital recording segment generated by the UMBPD body worn recording system, or removing such recordings outside the UMBPD, without authorization from the Chief of Police is prohibited.
- (b) Requests made under the Open Records Act for copies of digital recordings by persons or agencies outside the UMBPD or the State Attorney's Office shall be directed to the Technical Service Lieutenant or designee. The requesting person will be responsible for the cost of duplication pursuant to state statute.
- (c) Officers or other employees shall not retain, or distribute to any person or entity, any original or copy of any recording except as specified by UMBPD policies and procedures or as expressly approved by the officer's or employee's supervisor.
- (d) Posting of footage to any social media site without prior written approval from the Chief or designee is strictly prohibited.
- (e) If another assisting law enforcement agency is recorded in a video that is requested for release or administrative investigation purposes, the affected agency should be notified of the request and a copy provided to them free of charge by the Technical Service Lieutenant or designee as applicable.

## *Body Worn Cameras SOP*

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### **204.14 POSTING OF POLICY**

A copy of this policy should be made available to the public on the department website and upon request.

### **204.15 TRAINING**

Members shall receive training in the use and operation of the BWC prior to being issued it, and shall also receive periodic training on the operation of BWC and all applicable UMBPD policies and procedures governing it. Training shall include methods of providing notice that a recording is being made to persons with limited English proficiency or persons with a disability that renders them otherwise unable to understand (see the Limited English Proficiency Services and Communications with Persons with Disabilities policies). In addition, the Education & Training Section shall review the body-worn program annually (which shall include policy review) to determine its effectiveness. Furthermore, officers are encouraged to inform their supervisors of any recordings that may be of value for training purposes.