

## 2.16.0 BODY-WORN CAMERAS (BWC)

### A. Policy

In compliance with the Maryland Police Accountability Act of 2021, it is the policy of the UMBC Police Department to utilize body-worn cameras (BWC) to document interactions that occur between officers and the public. Officers must be trained on agency policy and operation of the BWC equipment prior to use.

### B. Definitions

1. Activation: Recording of both audio and video by switching the BWC to Event Mode.
2. Accidental Activation: Recordings that are the result of an accidental recording and for which a request for deletion may be made.
3. Body Worn Camera (BWC): A device worn on the person of a law enforcement officer that is capable of recording video, intercepting oral communications, and temporarily storing digital media.
4. Deactivation: Any manual stops of active recording and returning the BWC to Ready (Buffering) Mode.
5. Digital Evidence: Any record of a digital file from an electronic source, including video, audio, and associated metadata.
6. Dock: BWC charging and data transfer unit.
7. Evidence.com: A digital file management website that securely stores digital photographs, BWC video, and other forms of digital media.
8. Mode: Operational status of a BWC.
  - a. Event Mode: The BWC is actively capturing and storing video and audio recordings. When Event Mode is activated, the video recording captured during the Ready (Buffering) Mode is automatically attached to the beginning of the Event Mode recording.
  - b. Mute Mode: Audio recording is disabled.
  - c. Ready (Buffering) Mode: The BWC is continuously but temporarily storing 60 seconds of video with no audio. When Event Mode is activated, the previous 60 seconds is attached to a permanently stored recording.
  - d. Sleep Mode: Idle state that disables recording, buffering, and activation by an Axon Signal Device.

### C. Official Use and Confidentiality

1. All agency BWCs, equipment, recordings, and metadata are the property of the UMBC Police Department and are reserved for the official use of the UMBC Police Department.

- a. Under no circumstances will a member of the agency use a BWC or equipment to record any event, situation, or incident in which the agency is not officially involved in or participating in as specified in this policy and procedure.
  - b. Under no circumstances shall a member of the agency loan or otherwise give a UMBC Police BWC or any other BWC equipment to any non-agency personnel.
2. BWC recordings shall not be edited, altered, erased, duplicated, copied, shared, or otherwise distributed in any manner without prior authorization and approval of the Chief of Police or their designee. Recordings may only be used for law enforcement purposes.
  3. Only department issued BWC equipment approved by agency policy is authorized for on-duty use by sworn personnel.
  4. Any violation of these restrictions and/or any other prohibitions in this policy and procedure may result in disciplinary action.

### **2.16.1 OFFICER RESPONSIBILITIES**

- A. Officers will inspect and test their assigned BWC prior to each shift or assignment to verify it is functioning properly and sufficiently charged.
  1. Equipment malfunctions and/or physical damage shall be immediately reported to the Duty Supervisor and documented on a CAD card consistent with *1.6.4.4 Administrative Reporting*.
  2. The Duty Supervisor will notify the BWC Administrator (IT Specialist), issue a spare BWC until the officer's assigned BWC is repaired or replaced, and notify the Support Services Commander to temporarily reassign the spare BWC.
- B. Patrol officers shall always wear the BWC on their torso on the outermost garment, i.e., external vest carrier, department issued coat, or traffic vest.
- C. Officers wearing plainclothes or business attire are permitted to wear the BWC on a belt.
  1. Officers operating in a covert capacity shall wear a BWC at the discretion of the Chief unless they revert to taking enforcement action.
- D. Officers shall not intentionally obscure the view of the BWC except in the limited circumstances outlined in this policy.
- E. Officers may only wear the department issued BWC and mount and are strictly prohibited from tampering with, dismantling, or modifying any component of the BWC.
- F. Officers shall ensure that their assigned BWC is charged each shift and shall monitor battery indicators while on shift.
- G. The BWC must be properly docked at the end of each shift to charge and upload data.
- H. Officers must review BWC recordings to verify footage is tagged with the correct incident number and call type category before the end of each shift. If necessary, footage must be manually tagged.

- I. Failure to record, temporary deactivations, or any other disruption of recording shall be documented in the written report.
- J. Lost or stolen BWC equipment shall be immediately reported to the Duty Supervisor documented on a CAD card consistent with *1.6.4.4 Administrative Reporting*.
  1. The last known location may be accessible on Evidence.com.

## **2.16.2 GENERAL OPERATIONAL PROCEDURES**

- A. Only personnel trained by the BWC Administrator are authorized to use a BWC.
- B. The BWC shall always be powered on Ready (Buffering) Mode while worn.
  1. Ready (Buffering) Mode enables the BWC to record and save 60 seconds of video (no audio) footage immediately prior to activating Event Mode, which is mandated in Public Safety Article § 3-511 of the Maryland Annotated Code.
  2. Officers are permitted to put the BWC in Sleep Mode to temporarily deactivate the BWC in situations where personal privacy is a concern, i.e., restrooms, locker room, or police station when not conducting official police duties.
  3. Officers shall ensure the BWC is returned to Ready (Buffering) Mode at the earliest opportunity to comply with State law.
- C. Activation
  1. The BWC will automatically switch to Event Mode when the officer activates the emergency equipment (Mode 2 and Mode 3) in the police vehicle. Officers shall not rely on automatic activation for the BWC and shall verify the BWC is in Event Mode at the earliest opportunity.
  2. Officers shall activate Event Mode, absent exigent circumstances, at the initiation of:
    - a. A call for service or other law enforcement action;
    - b. An encounter between the officer and a member of the public that is investigative or enforcement in nature;
    - c. Any encounter that becomes confrontational after the initial contact; and/or
    - d. Any other incident the officer reasonably believes should be recorded for law enforcement purposes, including any situation an officer believes may result in use of force, when not otherwise prohibited by law or department policy.
  3. Incidents during which Event Mode shall be activated include, but are not limited to:
    - a. Calls for service with citizen contacts;
    - b. Traffic stops;
    - c. Detainee transports;

- d. Citizen transports, excluding department-approved ride alongs;
  - e. Arrests;
  - f. Field interviews and investigatory stops;
  - g. Issuance of written violations;
  - h. Searches of any kind, except strip and body cavity searches;
  - i. Request for consent to search; and
  - j. Miranda warnings and response from in-custody suspects
4. If officers are unable to activate Event Mode due to exigent circumstances making it unsafe, impossible, or impractical to do so, officers shall activate Event Mode at the first reasonable opportunity to do so.
  5. To the extent possible, officers shall avoid recording medical treatments or evaluations and persons other than the involved party when responding to medical facilities.

#### D. Notification

1. Except as otherwise exempted by law, officers shall inform citizens that they are being recorded at the beginning of the contact or as soon as safely possible.
2. The notification provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.
3. Additional responding officers are not required to notify citizens after activating the BWC.

#### E. Victim and Citizen Requests

1. If victims or witnesses refuse to provide a statement or discuss criminal activity while being recorded, officers may temporarily deactivate the BWC to obtain the information.
2. Officers shall state they are deactivating the BWC at the request of the victim or witness prior to turning off the BWC and document the request in the police report.
3. Officers shall reactivate the BWC to Ready (Buffering) Mode or Event Mode if the incident is on-going at the completion of the interview/statement.

#### F. Deactivation

1. Except as otherwise provided in this policy, officers shall not intentionally deactivate the BWC for a law enforcement purpose without a clear investigative purpose.
  - a. The officer shall state the reason for deactivation prior to deactivating the BWC and document it in the written report.
2. BWC deactivation shall only occur when:
  - a. The event or encounter has fully concluded;

- b. The officer has left the scene and anticipates no further involvement; or
- c. A victim or witness refuses to provide information while being recorded.

#### G. Prohibited Activation

1. Officers shall not activate or shall temporarily deactivate the BWC if recording:
  - a. Agency personnel during routine administrative activities;
  - b. Non-work related personal activity;
  - c. Inside any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room;
  - d. In court facilities and courtrooms, except with the express permission of the Local Administrative Judge or presiding judge;
  - e. Any type of suspected child sexual abuse material (CSAM); or
  - f. Strip searches.

#### H. Accidental Activation and Recording

1. False signal activations are to be cancelled with a one-time press of the Select button on the BWC within ten (10) seconds of activation. The video will be stored and tagged with "False Signal Activation" once uploaded to Evidence.com.
2. Officers may restrict BWC recordings from any possible accidental or inadvertent recordings of personal activities, CSAM, or other prohibited areas.
  - a. The Support Services Commander shall be immediately notified (email) via chain of command when BWC recordings are restricted.
3. Unrestricted accidental recordings shall be reviewed by the Duty Supervisor at the end of each shift to determine if there is evidentiary value.
  - a. Non-evidentiary recordings from accidental activations are required to be tagged with "BWC Accidental Activation." No case number is required.
  - b. The Operations Commander shall conduct a secondary review of the accidental recordings to verify evidentiary value.
4. Officers may request accidental and false signal recordings to be deleted by submitting a BWC Recording Deletion Request (UPD Form 223) to the Duty Supervisor.
  - a. The Operations Commander and Support Services Commander or Chief's designee will review the BWC recording to approve or deny the request.
  - b. If approved, the Chief or Deputy Chief shall delete the BWC recording and document the deletion on the request form.

- c. The requestor and/or the involved officer(s) shall receive a signed copy of the completed BWC Recording Deletion Request form and the original shall be retained.

### **2.16.3 ACCESS AND USE OF RECORDINGS**

- A. All recordings made on department issued BWCs are the property of UMBC Police.
- B. BWC recordings may only be viewed for legitimate law enforcement, administrative, and litigation purposes by authorized personnel:
  1. Sworn personnel involved in review of the incident;
  2. State's Attorney Office or other prosecuting authority;
  3. Anyone otherwise approved by the Chief of Police.
- C. BWC recordings may be utilized by the Department for education and training purposes with approval by the Operations Commander providing the case has been adjudicated and there is no litigation hold or active internal investigation.
- D. Officers may view their own BWC recordings to assist in the following:
  1. Report writing or preparation of other official documents.
    - a. BWC recordings are supplemental and do not replace detailed incident reports.
  2. Court preparation.
  3. Incident critique or review for self-assessment.
  4. Support other legitimate law enforcement investigations.
- E. Officers ranked Master Police Officer (MPO) and Private First Class (PFC) shall request to view another officer's BWC recordings for report writing or other law enforcement purposes via Evidence.com. Officers are authorized to grant access to their own BWC recordings for law enforcement purposes.
  1. Sergeants are authorized to approve the request in the absence of the officer.
  2. Detective MPOs and sworn personnel ranked Sergeant and above are not required to request access.
- F. Evidentiary recordings shall be treated in accordance with *2.3.0 Collecting Evidence*.
  1. Refer to *2.2.9 Police-Involved Fatalities* for video evidence procedures for police-involved incidents that result in death or injuries likely to result in death.
- G. BWC recordings of a constitutionally protected activity, such as protests, shall 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.

H. Stored BWC recordings shall not:

1. Be used to create a database or pool of mugshots;
  2. Be used as fillers in photo arrays; or
  3. Be searched using facial or voice recognition software.
- I. Authorized personnel may review footage when there is reason to believe that a specific suspect or person in need of assistance may be a subject in a particular recording.

**2.16.4 REVIEW**

- A. Regular documented reviews of BWC recordings shall be conducted to verify compliance with Department policy and assessed based on the following criteria:
1. No Concern Identified
  2. Great Performance
  3. Concern with Performance
  4. Untagged Video – No ID and/or Category
  5. Incorrect ID and/or Category
  6. No Video Buffer
  7. Late Activation
  8. Overuse of Muted Audio
  9. Failure to Make Notification
  10. Failure to State Deactivation
  11. Late Upload
  12. Obstructed Camera
  13. Poor Audio and/or Video Quality
- B. The Duty Supervisor shall review and properly tag any unrestricted uncategorized and accidental BWC recordings at the end of each shift. The review shall be documented on the Police Supervisory Daily Inspection Report (UPD Form 83).
- C. Each Sergeant shall randomly select and review at least one (1) BWC recording with the associated written report for each member of their squad per month. The review must be documented in a CAD card.
1. The Operations Commander shall randomly select and conduct a secondary review of at least one (1) of each Sergeant's reviews per month. The review must be documented in a CAD card.

- D. The Operations Commander shall randomly select and review at least one (1) BWC recording with the associated written report for each Sergeant per month. The review must be documented on a CAD card.
- E. BWC recordings shall be included in supervisory reviews for the following incidents:
  - 1. Use of force;
  - 2. Incidents involving injuries; and
  - 3. Vehicle pursuits;
- F. BWC recordings of incidents associated with internal or external complaints shall be reviewed by the Deputy Chief.
- G. Policy violations that may result in discipline shall be forwarded through the chain of command to the Deputy Chief for review.

#### **2.16.5 STORAGE AND RETENTION**

- A. BWC recordings are stored in a secure cloud-based storage system (Axon/evidence.com) and access is restricted to authorized personnel.
- B. All user activity within the storage system is documented in an audit log, including any time data is viewed, shared, copied, or edited.
- C. Recordings will be kept for at least the minimum time required under all applicable laws, policies, and the retention schedule detailed in *1.9.8 Records Retention & Disposal Schedule*.
  - 1. Homicide & Rape: 80 years
  - 2. Felony: 10 years
  - 3. Misdemeanor: 4 years
  - 4. Serious Traffic & Accident: 4 years
  - 5. Miscellaneous & Non-Criminal: 72 weeks
  - 6. Routine Traffic: 2 years
  - 7. Accidental Activation: 60 days
  - 8. Training: 60 days
- D. An unedited and unredacted original version of stored BWC recordings shall be retained for at least the minimum time required for the events in the recording.

#### **2.16.6 DISSEMINATION AND RELEASE**

- A. BWC footage shall be made public consistent with the mandates of the Maryland Public Information Act (MPIA) and other applicable laws.



- B. External requests for BWC footage must be submitted to the Office of General Counsel. Fees shall be calculated based on the average Lieutenant hourly rate and production time.
- C. The Chief shall make the final determination on releasing any BWC footage, consistent with the MPIA and other applicable laws.
  - 1. Consultation with the State's Attorney's Office prior to the release is recommended.
- D. The Support Services Commander or Operations Commander shall be responsible for the proper review, redaction, retrieval, and distribution of BWC recordings. The Deputy Chief shall assume responsibility in the absence of a Commander.
  - 1. If a policy violation or misconduct is observed during their duties, the Deputy Chief shall be notified to conduct a preliminary investigation in accordance with *1.4.0 Disciplinary Process*.