

## 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 DEFINITIONS

Enterprises, Inc. It enables digital evidence collection separately from Body Worn Cameras (BWCs) by using the native camera, microphone, and internal storage (memory) of a smartphone to collect digital still photos, videos, and audio recordings for evidentiary purposes. Users can tag this evidence with metadata and securely upload it directly to the Department's Evidence.com account.

Axon View – A highly secure, mobile application from Axon Enterprises, Inc., designed exclusively for BWC operation. It pairs securely with a user's BWC, allowing remote review of recorded videos stored only on the paired BWC. Users can tag their BWC video files with metadata before docking the BWC for uploading. Unlike Axon Capture, Axon View does not collect or store any evidence on a device.

Body Worn Camera (BWC) - A device worn on an officer's person that records and stores video and audio.

BWC Program Administrator – A member appointed by the Chief of Police or their designee. This individual has administrator or full access to user roles in Evidence.com and is responsible for establishing BWC user permissions, access, and other user parameters.

Evidence.com – An online, web-based digital evidence management system provided by Axon Enterprises, Inc. It supports the body worn camera system in a highly secure environment. This system is used to establish user profiles and permissions, assign devices to individual officers, and import video and audio recordings made by body worn cameras via a docking station or other supporting device. Evidence.com also stores and maintains a chain of custody for all recordings made by body worn cameras or other digital evidence uploaded by an authorized user.

Metadata – Refers to descriptive data about a digital recording. This information may include details such as agency, date, time, officer, officer ID number, incident number, case number, and event category.

### 204.3 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

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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 Lieutenant 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.

### **204.4 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:
  - 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.)

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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 categorized with 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.

### **204.5 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 their 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 their 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 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

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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 they are equipped with a working BWC.

### **204.6 MEMBER RESPONSIBILITIES**

Prior to going into service, Lieutenants and below assigned to Patrol will be responsible for ensuring that they 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 their 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 they believe 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 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.

### **204.7 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 randomly inspect and document on the officer's daily activity sheet the BWC being utilized by the officer.
- (c) 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.
- (d) 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.
- (e) 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

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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.

- (f) 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.

### **204.8 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.
- (b) The member has detained a vehicle during a criminal investigation or for a traffic violation and:
  - 1. The member identifies themselves 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 their 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 their 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. The department teaches the following greeting as an officer's salutation: "Good morning/afternoon/evening. I am (rank/name) with the University of Maryland, Baltimore Police Department. As required by law, this incident is being audio and video recorded." After identifying oneself, the member must advise the subject the reason for the encounter.

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### **204.9 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.

### **204.10 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 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.

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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.

#### **204.11 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) All BWC recordings will be labeled with appropriate category and call type by the end of the officer's shift cycle. However, if the BWC recording is evidentiary in nature, the recording will be labeled with the appropriate case number and category call type by the conclusion of the shift in which the incident occurred.
- (c) Each time a video is reviewed, a permanent record is made in Evidence.com of who and when the video was accessed.
- (d) Any video that is uncategorized or tagged will be kept in the system for one year before it is deleted. After one year, all tagged videos will be retained for 75 years, while uncategorized video will be retained for three years.
- (e) 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 BWC Program Administrator and PIO will ensure that all appropriate video redaction take place prior to releasing any BWC video.
- (f) 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.

#### **204.12 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 Axon Evidence.com cloud-based data storage platform.
- (c) The proper labeling and categorization of recorded data is critical. Accurate labeling and categorization helps officers, supervisors, prosecutors, and other authorized

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personnel to readily identify and access the data they need for investigations or court proceedings. Officers will login their Evidence.com accounts at the conclusion of their shift to label and categorize the recorded data. However, 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 malfunction, 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.

- (d) The downloading or converting of any recording captured by a BWC for any type of personal use is strictly prohibited.

### **204.13 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.

### **204.14 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 BWC Program Administrator 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 BWC Program Administrator or designee as applicable.

### **204.15 POSTING OF POLICY**

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



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### **204.16 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.