

## **2.1600 BODY-WORN CAMERAS**

### **2.1600.10 Purpose**

- A. Body- Worn Cameras (BWCs) are used to enhance police services to the community by accurately documenting events, actions, conditions, and statements made during citizen contacts, traffic stops, arrests, searches, and other incidents.
- B. In addition to these general services, there are also specific purposes as outlined below:
  - 1. To capture crimes in progress irrespective of whether they are perpetrated against officers or the community.
  - 2. To aid in the documentation of crime scenes, the discovery of evidence, and the actions of police personnel.
  - 3. To aid in the documentation of statements made by victims, witnesses, suspects, and/or accused individuals.
  - 4. To document advice of rights when applicable.
  - 5. To promote officer safety by deterring acts of aggression against police personnel.
  - 6. To reduce unreasonable and false complaints made against officers during the course of their duties. To enable the swift resolution of such complaints if they are received.
  - 7. To facilitate training to ensure the courtesy and professionalism of all UMDPS police personnel.
- C. This policy does not govern the use of surreptitious recording devices used in undercover operations.

### **2.1600.20 Officer Responsibilities**

- A. Uniformed patrol officers assigned to patrol/enforcement activities are permanently assigned a BWC. Officers cannot share or borrow other officer's BWCs.
- B. Officers working a plain-clothes detail may be exempt from wearing the BWC. Each detail will need to be evaluated as to the effectiveness of the BWC. An administrative ranked officer will approve the use or lack of use during plain clothes details.
- C. BWCs will be affixed to the front of the officer's outer most garment. It should be clipped to the center torso area and be free from obstruction (coats or other gear).
- D. Officers are required to download video prior to the end of each shift.
- E. Officers are responsible for charging and storing their assigned BWC in the designated secure storage room while off- duty.
- F. The care of the BWCs and all associated equipment is the responsibility of the officer issued/using the equipment. BWCs will be operated according to the manufacturer's instructions and recommendations.
- G. Each officer operating a BWC will ensure that the camera is operational (e.g., the camera turns on, goes into "standby" mode, and can be set to record.)
- H. Any officer encountering a malfunction of a BWC will immediately report the malfunction to a supervisor and submit an IT request for maintenance or repairs through the UMDPS portal.

### **2.1600.30 Supervisor Responsibility**

- A. Patrol supervisory personnel are responsible for ensuring officers utilize BWC equipment according to this policy,
- B. Supervisors are responsible for ensuring that officers are properly caring for and maintaining all BWC equipment.
- C. Supervisors must also ensure officers are properly trained in the use of the BWC.
- D. Supervisors must ensure that all officer's BWC videos are downloaded and properly stored prior to the end of each shift.
- E. Supervisors will retrieve the BWC from any officer in their command who is transferred or otherwise removed from uniform patrol duties and return the BWC to IT for reissue as needed.

## **2.1601 OPERATIONAL PROCEDURES**

### **2.1601.10 Criteria for Use**

- A. BWCs will be worn at all times when an officer is in uniform, including court appearances, overtime assignments and special events.
- B. Officers utilizing a BWC will, at the beginning of a police contact or as soon as feasible, will notify persons that the contact is being both audibly and visually recorded.
- C. Officers working in a plain-clothes capacity will notify persons that they are a police officer.
- D. The BWC will be utilized, consistent with **2.1602.10 Purpose**, to document interactions with victims, witnesses, and others during police-citizen encounters, at crime and incident scenes, and during traffic stops to include but not limited to:
  - 1. On scene interviews
  - 2. Consensual encounters;
  - 3. Investigative stops;
  - 4. Arrests; and/or
  - 5. Special assignments, when directed to by the highest ranking officer in charge;
- E. Recording such contacts shall be the rule not the exception.
- F. The BWC will not ordinarily be activated in places where a reasonable expectation of privacy exists, such as private homes, dressing rooms or restrooms without consent.
- G. Where two-party consent is required, such consent will be obtained and recorded immediately or the BWC will be deactivated.

### **2.1601.20 One-party Consent**

- A. Maryland law recognizes that some specific crimes and circumstances require only one-party of an interception and recording of oral communication give consent.
- B. In Maryland, there is a statutory authority given to officers in the course of their "regular duty" to intercept an oral communication if:
  - 1. The officer initially detained a vehicle during a criminal investigation or for a traffic violation;
  - 2. The officer is a party to the oral communication;
  - 3. The officer has been identified as a police officer to the other parties to the oral communication;
  - 4. The officer informs all other parties to the communications of the interception at the beginning of the communication; **and**
  - 4.. The oral interception is being made as part of a video tape recording.
- C.. In addition, one-party consent applies to the criminal investigation of the following crimes enumerated in MD. CODE, CTS. & JUD. PROC. ART., §10-401 through §10-414 as amended and revised, in order to provide evidence of the commission of:
  - 1. Murder;
  - 2. Kidnapping;
  - 3. Rape;
  - 4. A sexual offense in the first or second degree;
  - 5. Child abuse in the first or second degree;
  - 6. Child pornography under §11-207, §11-208 or §11-208.1 of the Criminal Law Article;
  - 7. Gambling;
  - 8. Robbery under §3-402 or §3-403 of the Criminal Law Article;
  - 9. A felony under Title 6, Subtitle 1 of the Criminal Law Article [Arson];
  - 10. Bribery;
  - 11. Extortion;
  - 12. Dealing in a controlled dangerous substance, including a violation of §5-617 or §5-619 of the Criminal Law Article;
  - 13. A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;

14. An offense relating to destructive devices under §4-503 of the Criminal Law Article [Possess explosive material, incendiary material or toxic material with intent to create a destructive device];
  15. Human Trafficking offense under §11-303 of the Criminal Law Article
  16. Sexual solicitation of a minor under §3-324 of the Criminal Law Article;
  17. An offense relating to obstructing justice under §9-302, §9-303 or §9-305 of the Criminal Law Article [Witness Intimidation or Retaliation];
  18. Sexual abuse of a minor under §3-602 of the Criminal Law Article; or
  19. A theft scheme or continuing course of conduct under §7-103(f) of the Criminal Law Article involving an aggregate value of property or services of at least \$10,000;
  20. Abuse or neglect of a vulnerable adult under §3-604 or §3-605 if the Criminal Law Article;
  21. An offense relating to Medicaid fraud under §§ 8-519 through 8-515 of the Criminal Law Article; or
  22. A conspiracy or solicitation or solicitation to commit any of the above offenses listed in 1 through 21; or
  23. If a person has created a barricade situation and probable cause exists for the officer to believe a hostage(s) may be involved.
- D. It is also lawful to intercept and record an oral communication by one-party consent pursuant to an order by a court of competent jurisdiction.

### 2.1601.30 Two-Party Consent

- A. For all other crimes or circumstances not enumerated in accordance with one-party consent, and where two-party consent is required, consent must first be obtained by all parties for the officer to intercept and record any oral communications.
- B. The officer shall visually and audibly record this request for consent and the subsequent granting of consent in order to continue the use of the BWC.
- C. Absent such consent, the use of the BWC during the time of the incident or circumstances in question shall be terminated.
- D. When consent is not granted, the onus is on the officer recording the lack of consent to inform other officers arriving on scene to turn off their BWC.

## 2.1602 RECORDING

### 2.1602.10 Recording

- A. When circumstances permit, officers will activate the BWC prior to making contact with a citizen in any of the incidents listed in **2.1601.10 Criteria for Use**.
- B. As noted previously, officers will identify themselves as police officers and notify persons that the contact is being both audibly and visually recorded. Officers will seek consent for continued use of the BWC when necessary. Consent granted to one officer utilizing a BWC shall be deemed as consent given to all officers present with a BWC.
  1. Once activated, the recording will not be intentionally terminated until the conclusion of the incident or until the other parties have left the scene (this includes the recording of statements). If such termination occurs, the officer with the BWC must demonstrate compelling reasons (e.g., withdrawal of consent, privacy issues).
  2. Additional arriving units to a scene will begin recording as soon as practical and continue to record until the completion of the incident, or until other parties left the scene (this includes recording of statement).
  3. Officers are responsible for ensuring that all BWC video and audio recordings are downloaded at the end of shift or immediately after the BWC recording memory be-

comes full (See 2.1604.40 Data Management). Failure to comply with this procedure may result in disciplinary action.

4. If this device becomes full prior to the end of the shift, the officer will return to post and download the data, if time allows.
5. Officers will not attempt to erase, reuse, alter or destroy in any manner any audio and/or video recorded on a BWC.

### 2.1602.20 Restricted Uses

- A. Any use of the BWC for any purpose other than official law enforcement business is a violation of this policy. Non-law enforcement business can include, but is not limited to:
  1. Covertly recording other law enforcement personnel;
  2. Recording any communications with a supervisor, council member, or other government employee;
  3. Personal use of the BWC; and
  4. Recording a conversation that the officer is not party to, unless the officer is handling a law enforcement incident, and is in a lawful position when the recording occurs.
- B. Officers will not use the BWC to record a particular person based solely on the person's race, color, age, sex, marital status, sexual orientation, gender identity, creed religion, ancestry, national origin or disability.
- C. The BWC will not be used to record confidential informants or undercover officers.
- D. BWCs will not be used as a surreptitious/ covert recording device or used in undercover operations.
- E. The BWC will not be used as a stand-alone device in the recording of evidence at crime scenes.

### 2.1602.30 Reporting:

- A. Any time a BWC is used to record an interaction or incident, that use will be documented on any citation and/or report prepared regarding the contact.

### 2.1602.40 Data Management:

- A. BWC recordings will only be downloaded to the computer specifically designed for BWC download and storage, operated and maintained by UMDPS.
- B. Before going off-duty, officers will download the recordings from their BWC.
- C. Supervisors will ensure that each member has downloaded the recordings prior to the end of their tour of duty for that shift.
- D. The designated agency system administrator will be contacted by the officer to copy any data that is deemed to be evidentiary value on a media storage device (e.g., CD-Rom, flash drive, etc.) and enter it into evidence. Officers will note the incident, arrest and related reports when audio/video recordings were made during the incident in question.
- E. Data will not be released to another criminal justice agency for trial or other reason without having a duplicate copy made and returned to safe storage.
- F. Data will not be released to any outside non-criminal justice entity, regardless of the content, without explicit authority from the Chief of Police or their designee. Request for data made under the Maryland Public Information Act will be immediately directed to the Office of the Chief. The Office of the Chief may consult with the University Legal Office when requests for data are received.
- G. Under no circumstances shall any member of the Department make a personal copy of any recorded event without prior written permission from the Chief of Police.

- H. Designated agency system administrators will conduct routine reviews of videos for proper use, officer safety concerns, and training issues.

#### **2.1602.50 Retention of BWC Recordings**

The Department will archive recordings according to the following schedule:

- A. Recordings that are not evidence will be archived for 60 days from date of recording.
- B. Recordings that are deemed evidence will be copied and submitted to the Logistics Unit for storage until final disposition of the case. These recordings will be submitted consistent with **2.506.10 Submitting Property/Evidence to Logistics**.

#### **2.1602.60 Administrative Sanctions**

- A. Failure to activate the BWC when required to by this policy may result in disciplinary action consistent with **2.902 Authority to Take Disciplinary Action**.
- B. Failure to download the recordings at the end of an officer's shift or when it is full may also result in disciplinary action consistent with **2.902 Authority to Take Disciplinary Action**.
- C. Tampering or attempting to tamper with the BWC or BWC recordings, or deleting a recording may also result in the disciplinary action consistent with **2.902 Authority to Take Disciplinary Action**.