

### **3.100      BODY WORN CAMERA (BWC) SYSTEM**

#### **3.102      GENERAL POLICY**

*(41.3.8a)*

- A. The primary use of the BWC is to enhance the public's trust, improve officer safety, promote accountability and transparency. The equipment will assist the Department in documenting statements and events during an incident. It will allow officers to complete internal reporting and preserve visual and audio information.
- B. The BWC system is a point-of-view style recording system designed to approximate the vantage point of the recording officer, but does have the following limitations.
  - 1. The BWC does not capture everything that is occurring during an incident such as, but not limited:
    - a. Activity or items that cannot be seen by the camera; and
    - b. Statements that were not recorded.
  - 2. The BWC system does not analyze biometric data or situational awareness information known to the responding officer.
- C. The BWC program is designed to benefit the Department, its members, and members of the community by providing recorded material for:
  - 1. Evidence in court proceedings;
  - 2. Department training;
  - 3. Improved complaint resolution; and
  - 4. Potential public release to enhance public trust in Department activities.

#### **3.102.02      Definitions**

- 1. Authorized Member - a sworn police officer certified by the Maryland Police and Correctional Training Commissions and employed by Towson University Police.
- 1. Body Worn Camera (BWC) - an audio-visual recording device (i.e., camera, controller/battery pack, and a connector cable) worn on the person of an authorized member.
- 2. Activation - recording of both audio and video by switching the device from 60 second Pre-Event Buffering Mode to Event Mode.
- 3. Deactivation - to stop actively recording the event and return the device to 60 second Pre-Event Buffering Mode.
- 4. Dock - a BWC charging and data transfer unit.
- 5. Sleep Mode – places camera in an idle state that disables recordings and buffering.
- 6. Mute Mode – only disables the voice recording while the camera is activated.
- 7. Stealth Mode – disables all camera notifications such as LED lights, sounds and vibrations.
- 8. SAO - States Attorney's Office.
- 9. OTS - Office of Technology Services.

#### **3.104      USE OF BWC BY AUTHORIZED MEMBERS**      *(41.3.8b) (41.3.8e)*

- A. All members of the command staff, Sergeants, Corporals and below to include investigators and any personnel designated by the Chief of Police will only use the BWC system after they have been trained in the use of the system and the Department's BWC policy. Authorized members will:
  - 1. Only use Department issued recording devices and accessories;
  - 2. Be in full uniform or have their Departmental badge or insignia prominently displayed;
  - 3. Only use the device assigned to them;
  - 4. Not possess BWC devices while off duty;
  - 5. Ensure their BWC is tested and charged at the beginning of their shift; and
  - 6. Immediately notify their supervisor of any damaged or lost BWC.
  - 7. Only use Sleep Mode when entering the Public Safety Building, unless on a call for service, during Taser, firearm, vehicle inspections (emergency lights activation) and for momentary privacy.

8. Must articulate the reason for using Stealth Mode on a call and notify the patrol Sgt. and Communications Unit for the activation.
- B. Deployment or use of BWC devices while off duty or during secondary employment is strictly prohibited.
- C. Members who are in plainclothes will not wear their assigned BWC when working in a capacity which does not display their badge or the Department's insignia prominently.
- D. Members will properly DOCK AND DOWNLOAD their BWC in their assigned dock at the end of their tour of duty where it will remain until the next use, unless otherwise authorized by a shift/unit commander or higher.
- E. Members will document the use of a BWC when a report is required. If a report is not required for an incident and the BWC is used, members will notify Communications to note the use of a BWC in CAD notes (i.e., burglar alarms, traffic stops, etc.).
- F. Command staff and Departmental members who are assigned administrative duties are exempt from wearing the BWC while performing those duties.
- G. Members may be subject to disciplinary actions within the parameters of the disciplinary action matrix if the BWC is not activated when appropriate or used improperly during their tour of duty.

### **3.104.02 Activation**

- A. Members wearing the BWC will activate the BWC and notify the individual(s) they are being recorded as soon as possible, unless it is unsafe, impractical, or impossible to do so.
- B. Members will activate the BWC while engaging in all law-enforcement encounters related to, but not limited to the following:
  1. Enforcement or investigative activity;
    - a. traffic stops
    - b. searches
    - c. pursuits
    - d. arrests
    - e. field interviews
    - f. stop and frisk
  2. Other activities of a potentially confrontational nature;
  3. Emergency vehicle operations; and
  4. Custodial transports.
  5. Members will activate their cameras when engaging an arrestee while in the detention area (i.e., processing, prisoner cell checks and etc.).

### **3.104.04 Deactivation**

- A. When deactivation circumstances exist, the member will deactivate the BWC as soon as it is safe, practical, and possible to do so.
- B. Once recording has been activated, members shall not end the recording until one of the following occurs:
  1. The event or encounter has fully concluded;
  2. The member leaves the scene and anticipates no further involvement in the event;
  3. A supervisor has authorized that a recording cease because the member is no longer engaged in a related enforcement, investigative, or transportation activity;
  4. When a prohibited activation circumstance is encountered;
  5. When the member's video must be played back in the field;
  6. Required activation circumstances no longer exist, or did not exist, and the member has determined that:

- a. A heightened expectation of privacy exists and deactivation is necessary in order to preserve the dignity of the individual (e.g., locker rooms, restrooms, etc.).
- b. An accidental activation has occurred.
7. As directed by an instructor during an authorized training session.
- C. Deactivation may also occur when a victim, witness, or other individual wishes to make a statement or share information, but requests not to be recorded or refuses to be recorded. During these situations members may deactivate their BWC in order to obtain the statement or information, and then start recording again when the statement or information has been obtained.
- D. Members will verbally indicated the reason the BWC was muted/deactivated prior to muting/deactivating the device.

### 3.104.06 Prohibited Use

- A. The BWC will only be used in conjunction with official law enforcement duties. All recordings are property of the Department and members will:
  1. Upload recordings without exception;
  2. Not alter or tamper with recordings;
  3. Not copy, reproduce, share, post, download, or disseminate any recordings without authorization of the Chief of Police;
  4. Not delete recordings without authorization of the Chief of Police; and
  5. Not use recordings to create a database, pool of mugshots or photo arrays;
- B. Members will not activate their BWC:
  1. Non-duty related personal activities;
  2. Within 500 feet of bomb threat scenes. The device must be powered off at the controller/battery pack;
  3. During in depth interviews with sexual assault victims beyond the initial call for service Assessment;
  4. Interactions with confidential informants;
  5. To capture the strip search of an arrestee;
  6. During court proceedings, unless an on-view incident occurs;
  7. To capture legally privileged communications (e.g., attorney/client, doctor/patient, etc.);
  8. When an arrestee has invoked their right for an attorney officers will not ask any further questions related to the offense and keep their camera activated while engaging the arrestee.
  9. Surreptitious recording;
  10. As a replacement for the use of a recorded interview room and/or equipment; and
  11. Private conversations and administrative activities among Department personnel.

### 3.106 (BWC) SYSTEM RECORDINGS (41.3.8c) (41.3.8e)

- A. Members:
  1. Are responsible for the timely upload, classification, and tagging of their own recordings during or at the end of the tour of duty. If members are unable to upload their recordings at the end of their tour, their immediate supervisor or OIC must be notified.
  2. Will use the vehicle laptop for playback, tagging, categorizing and uploading in the field prior to docking the BWC, unless authorized by their supervisor to do so at the station.
  3. Will Categorize as *Restricted* accidental recordings that would jeopardize individual dignity or modesty, and document requests for deletion of such recordings to the Chief through the chain of command.
  4. Will DOCK AND DOWNLOAD their BWC in their assigned dock at the end of their tour of duty where it will remain until the next use, unless otherwise authorized by the command staff.

5. Will not allow the public to review BWC video in the field. All request must be forwarded to the Information Support Services Unit.

### **3.106.02 Officers Access to (BWC) Recordings**

- A. Authorized members will have access to their own recordings and recordings shared by other members.
- B. May access recordings for the following purposes:
  1. Report writing or preparation of other official documents;
  2. Court preparation;
  3. Review of prosecution evidence;
  4. Review of victim/witness/suspect statements;
  5. Crime scene observations;
  6. Statement of charges preparation; and
  7. Clarifying observations at the scene of an incident.

### **3.106.04 Sergeants/Designated OIC**

- A. Have access to all non-restricted recordings and may share recordings with other members.
- B. May access recordings for the following purposes in addition to those listed for members:
  1. Complaint investigation and resolution;
  2. Administrative investigations;
  3. Pursuant to an established Performance Enhancement Plan (PEP);
  4. To further collaborative operational needs; and
  5. Auditing to comply with the Line & Staff Inspection program.
  6. May reassign video for tagging and case assignments.
- C. Are restricted from accessing recordings for the purpose of:
  1. General performance review;
  2. Routine preparation of performance reports; and
  3. Searching, without cause, for policy violations to initiate disciplinary action.

### **3.106.06 Command Staff Members**

- A. Have access to all recordings and audit trails, including restricted recordings.
- B. may access recordings for the following purposes:
  1. Promote and ensure the efficient and lawful day to day operation of the police department;
  2. Identifying training needs;
  3. Incident critique;
  4. Complaint response and review;
  5. Staff & Line Inspections; and
  6. Internal affairs investigations.
  7. May reassign video for tagging and case assignments.

### **3.108 INTERNAL AFFAIRS DIVISION/PROFESSIONAL STANDARDS (41.3.8g)**

- A. Have access to all recordings and audit trails.
- B. May review any recording in the event of an alleged violation of law, or administrative procedure.
- C. Ensures that members and their representatives are given the opportunity to review all related recordings prior to providing a statement during an administrative investigation.
- D. The ATSB Commander is responsible for documented quarterly audits of three authorized members' BWC videos and will report the findings to the Chief of Police.

- E. The Towson University Police Department reserves the right to limit, delay, or restrict an employee's access to or review of body-worn camera recordings, including recordings involving serious use of force incidents or criminal investigations involving the employee, when such action is necessary to protect the integrity of an investigation, preserve evidentiary value, maintain confidentiality, or comply with lawful direction. Any such restriction shall be imposed only to the extent necessary for a legitimate law enforcement, administrative, or legal purpose. Nothing in this directive shall be construed to deny, diminish, impair, or supersede any rights afforded to the employee or the employee's representative(s) under Maryland law, applicable federal law, or any other controlling legal authority.

### **3.108.02 Deletion**

Authorized members must request in writing for any deletion of prohibited recordings and non-law enforcement activities. All request must go through the chain of command and the Chief of Police will have the final granting authority.

### **3.110 CATEGORIES AND RETENTION** (41.3.8d)

- A. All categories that apply to the recording will be selected in the *Category* field.
- B. Members will select at least one primary category (i.e., 1 to 9) for each BWC recording.
- C. Additional categories will be selected when applicable.
- D. System recordings will be automatically deleted when the retention period is completed unless held in a case for specific investigatory or judicial purposes.
- E. The Department's categories and retention periods are:
1. *Miscellaneous and Non-Criminal*  
Retention: 18 months.  
Use: Field interviews, non-criminal calls, and accidental recordings.
  2. *Routine Traffic*  
Retention: 18 months.  
Use: Non-jailable and non-arrestable traffic.
  3. *Misdemeanors and Serious Traffic*  
Retention: 3 years.  
Use: All misdemeanors, jailable and arrestable traffic, and crashes.
  4. *Felony Miscellaneous*  
Retention: 10 years.  
Use: All felonies not listed in number 5.
  5. *Felony Specified*  
Retention: Indefinite.  
Use: Homicides, rapes, and first and second degree sex offenses.
  6. *Administrative Investigations*  
Retention: 5 years.  
Use: Use of force incidents, pursuits, and administrative investigations.
  7. *CEW Compliance*  
Retention: 5 years.  
Use: Subject becomes compliant without the discharge of a conducted electrical weapon (CEW).
  8. *Training/Testing and False signals*  
Retention: 60 days  
Use: CEW Spark tests, authorized training, function checks, and false signals.
  9. *Administratively Restricted*  
Retention: 5 years.

Use: A secondary category used to restrict access to a recording. The appropriate primary category must also be selected.

- F. Members will notify their sergeant or the designated OIC when categorizing a recording with a restricted category. The sergeant or the designated OIC must notify the patrol commander or duty officer immediately upon being notified of the restricted recording.

### **3.112 (BWC) TRAINING (41.3.8f)**

- A. All sworn personnel will complete departmental approved training and demonstrate proficiency in the use and maintenance for the body worn camera.
- B. The training coordinator will ensure all members are trained and certified on the operation and policies of the BWC annually.
- C. Additional training will be conducted when deficiencies are identified in the use of the BWC. This may require the training coordinator reviewing camera footage of incidents to improve scenario-based training.
- D. Appropriate BWC training will occur if changes are needed within the policy after annual review of certifications, changes in state/local laws regarding the use and management of BWC or updates with the BWC hardware/software systems.

### **3.114 (BWC) SYSTEM RECORDING REDACTION/RELEASE (41.3.8c)**

- A. All requests for production of recordings will be sent to the Information Support Services Unit.
- B. The Information Support Services Unit is responsible for sharing recordings through the evidence portal with the State's Attorney's Office upon request for official court purposes.
- C. BWC recording requests will be fulfilled and redacted in accordance with applicable laws.
- D. BWC recordings requested by the public will be categorized as:
1. *Publicly Releasable* - Released to any member of the public subject to public redaction requirements.
  2. *Person In Interest Releasable* - Releasable to a Person in Interest subject to individual redaction requirements.
  3. *Non-Releasable* - Recordings that cannot be released at the time of the request in accordance with legal requirements.
- E. Recordings of the following nature will be automatically categorized as non-releasable:
1. Suspected neglect, abuse and/or exploitation of a vulnerable adult or child.
  2. Covert personnel and/or activities.
  3. An ongoing investigation.
  4. Investigative strategies or security procedures.
- F. Exceptions to release and redaction standards may only be authorized by the Chief of Police.

#### **3.114.02 (BWC) Authorized Release**

- A. In the event that a prosecuting authority has received an open criminal case or an Internal Affairs matter referred to them, the Department will share BWC footage with the prosecuting authority by the end of the next business day, upon receipt of notification by the prosecuting authority notifying the Department of its investigation.
- B. Videos may be released by the Department without receipt of a formal request, upon approval of the Chief of Police.

- C. Voluntary release of a video by the Department absent a formal request, does not preclude persons from making formal requests for release of the full video.
- D. BWC footage of an incident in its entirety and without redaction may be viewed with the media subject to federal, state, and local laws governing disclosure of records, for the purpose of transparency, clarity, and to assist the media in accurate and complete reporting of the incident, upon approval of the Chief of Police.

#### **3.114.04 Absent of a Formal Request**

- A. Absent a formal request and upon approval of the Chief of Police, the Department may release videos of:
  - 1. Critical incidents; and
  - 2. Positive actions/interactions involving Department members.
- B. Release of BWC footage will always:
  - 1. Be done in consultation with the prosecuting authority; and
  - 2. Balance privacy concerns, the need to comply with federal, state, and local public disclosure laws, Department transparency, and the defendant's right to a fair trial.
- C. Public release of BWC footage in accordance with this policy may be delayed, redacted, edited, or in some cases, the Department may forego public release, in order to:
  - 1. Comply with federal, state, or local law governing disclosure of records or existing Department procedures;
  - 2. Protect confidential sources and witnesses;
  - 3. Protect the rights of the accused (i.e., protect the right to a fair trial);
  - 4. Protect the identity of victims of sexual assault, victims of domestic violence, and juveniles;
  - 5. Protect the privacy, life, or safety of any person; and
  - 6. Protect the location of victims and/or witnesses.
- D. Prior to the release of BWC footage, consideration will be given to privacy rights including an assessment of whether the BWC footage depicts:
  - 1. Interior places of residences and other places where there is a reasonable expectation of privacy;
  - 2. Intimate images;
  - 3. Images of a person receiving medical attention;
  - 4. Images of a serious physical injury or a deceased individual;
  - 5. The location of a domestic violence program;
  - 6. Information that might reveal the identity of a victim of a sexual assault; and/or
  - 7. Images of juveniles.
- E. BWC footage will not be released for purposes not consistent with Departmental goals, objectives or for personal gain.

#### **3.116 CRITICAL INCIDENTS**

- A. Critical Incident Definition:
  - 1. An incident involving a use of force by one or more officers that results in the death of or serious physical injury to another;
  - 2. Any high profile incident that garners vast public interest or concern;
  - 3. Any incident in which the Chief determines the release of BWC footage will help enforce the law, preserve the peace, protect people, and/or maintain order; and/or
  - 4. Any incident that results in or may result in criminal charges being filed.
- B. At the discretion of the Chief, after consultation with the prosecuting authority, the Department will publicly release BWC footage within 30 business days of the incident, provided that any initial use of force investigation is completed, and the required notifications have been made.

- C. When a non-disclosure period has been granted pursuant to an agreement with the prosecuting authority. The prosecuting authority may request, in writing, a 30-day extension to the Department's release of critical incident BWC footage to the public. In its request, the prosecuting authority should explain, with specificity, how deviating from the standard timeframe for disclosure set forth by the Department is necessary to further the administration of justice. The prosecuting authority's request for an extension will be carefully considered by the Department and the final decision to release BWC footage ultimately rests with the Chief. If the prosecuting authority seeks an additional extension(s), such request(s) should be made in the same manner for each 30-day period, or until the scheduled trial date. If additional trial dates arise, an additional request for extension will be made.

### **3.116.02 Notifications**

- A. Notifications must be made at least 24 hours prior to release of BWC footage of a critical incident to the public:
1. Civilian subject(s) of the police action;
  2. The next of kin will be notified, if the subject is deceased. The parent or guardian will be notified if the subject is a juvenile.
  3. The legal representative(s) for the subject, if applicable;
  4. Department members whose BWC footage is to be released;
  5. Department members readily identifiable in the videos;
  6. Towson University Police Fraternal Order of Police; and
  7. Other official agencies involved in the incident or investigation.
- B. Made to the prosecuting authority seven days prior to releasing BWC footage of a critical incident to the public whenever possible.

**EXCEPTION:** When the Chief determines that exigent circumstances involving public safety, preserving the peace, and/or maintaining order requires a shorter time period for notice. In these cases, notice must still be provided to the prosecuting authority prior to releasing BWC footage of a critical incident to the public.

### **3.118 CHIEF OF POLICE**

- A. The Chief of police has the final authority regarding duplications, redaction, release, and deletion of recordings. The Chief may designate a command staff member within the Department to act on his/her behalf with regard to this policy either fully or partially.