



Policy 824

Subject

BODY WORN CAMERAS

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By Order of the Police Commissioner

POLICY

1. **Professionalism, Accountability, and Evidence Collection.** The Baltimore Police Department (BPD) equips designated members with a body-worn camera (BWC). Proper BWC use promotes professionalism, accountability, and transparency by documenting BPD interactions with the public and the performance of BPD duties. The cameras also serve as useful tools for recording evidence.
2. **Privacy Protection.** BWCs might record extremely sensitive and private data. A breach in BWC data security, careless handling of BWC data and/or intentional release of BWC data to non-authorized individuals could jeopardize relationships with victims, witnesses, and the general public, subject those people to invasions of privacy, endanger their safety, as well as jeopardize prosecutions. Accordingly, the utmost care and caution shall be taken to ensure that this data is not mishandled or misused. Members who are issued a BWC shall use it in accordance with the provisions of this Policy and all local, state, and federal laws. Violation of this Policy is cause for disciplinary action.

GENERAL

1. BWC data is subject to the rules of discovery.
2. All images and sounds recorded by the BWC are the property of the BPD.
3. Members may only utilize issued BWC devices while on-duty. The use of the BWC while off-duty is prohibited unless working approved uniformed secondary employment. The use of a non-issued BWC device on-duty is strictly prohibited.
4. Members issued a BWC shall wear the BWC at all times while on-duty.

Testing

Prior to beginning each shift, each member shall perform a function test of their BWC in accordance with the manufacturer's recommendations.

Malfunctions

Upon discovering a BWC malfunction, members shall immediately report the malfunction to a supervisor. Supervisors shall notify the BWC Coordinator immediately to ensure the repair/replacement of the malfunctioning BWC unit.

Mandatory Recording

1. Unless unsafe, impossible, or impractical to do so, the BWC shall be activated:
 - 1.1. At the initiation of a call for service or other activity or encounter that is investigative or enforcement-related in nature.
 - 1.2. During any encounter with the public that becomes confrontational.

NOTE: Private residences should not be treated differently than other locations for purposes of recording.

NOTE: When not otherwise prohibited by this Policy, members are permitted to use their BWC to record in circumstances when they determine that doing so would be beneficial to the public interest.

2. Exceptions

- 2.1. A member may decline to activate the BWC if they believe recording would risk the safety of a confidential informant or undercover officer.
- 2.2. When victims, witnesses or other individuals wish to make a statement or share information during a voluntary interaction with police, but refuse to do so while being recorded, members may turn off the BWC in order to obtain the statement or information. If the encounter begins when the BWC is not actively recording, the member may, but is not required to, temporarily activate the BWC for the sole purpose of documenting the person's request that the camera be turned off.

3. Exception for Health Care Facilities: Patient Privacy

- 3.1. Inside a medical facility, members shall not activate the BWC until meeting with the complainant/victim on a call for service or when encountering an on-view incident which requires the exercise of law enforcement powers.
- 3.2. Members shall be aware of patients' rights to privacy when in hospital settings. Members shall not record patients during medical or psychological evaluations or treatments. When recording in hospitals and other medical facilities, members shall be careful to avoid recording persons other than the person of interest, or recording medical documents.
- 3.3. However, as in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, the member shall activate the BWC in advance of the encounter or as soon as reasonably practicable.

4. When a member does not activate the camera as this subsection directs, either because of danger, because one of the above exceptions apply, because the camera was inoperable, or because of the member's mistake, the member must record the reason why the camera was not activated, either on camera or in writing, at the earliest time practicable.

Notice of BWC Recording

1. Except as otherwise exempted by law, members shall notify, as soon as practicable, the recorded individual that they are being recorded, unless it is unsafe, impractical, or impossible to do so, by stating: **“Hello, I am Officer____ of the Baltimore Police Department. I am advising you that our interaction is being recorded.”**
2. This notice provision is satisfied even if another individual enters the zone of recording after the initial notice has been provided.

Ending a Recording

1. Once recording with a BWC has been initiated, members shall not end the recording until:
 - 1.1. The event or encounter has fully concluded; or
 - 1.2. The member leaves the scene and anticipates no further involvement in the event; or
 - 1.3. A supervisor has authorized that a recording may cease because the member is no longer engaged in a related enforcement or investigative activity. This authorization shall be memorialized verbally on the BWC.
2. Deactivation of a BWC is permitted when a victim, witness, or other person who wishes to make a statement or share information and who is free to terminate the encounter, **requests on camera** that the camera be turned off. Members shall inform people in these categories at the earliest opportunity that they can request to turn off the camera.
3. Prior to turning off the BWC, unless the supervisor has stated on camera that it can be turned off, the member shall state orally into the BWC the reason for turning it off.
4. When in doubt, members shall continue to record the interaction if it is reasonable to do so.

Prohibited Recording

A member shall not activate the BWC to record:

1. Agency personnel during routine administrative activities; or
2. Non-work related personal activity.

Uploading and Tagging BWC Data

Tagging, or marking camera data, serves as a method to retrieve data at a later date.

1. The member is responsible for uploading all BWC data by the conclusion of the member's shift in accordance with the BWC manufacturer's uploading procedures.
2. Prior to the end of his or her shift, the member shall ensure the data is tagged with the following information:
 - 2.1. Any related CC, CAD, or other report numbers;

- 2.2. The type of incident (e.g., citizen contact, investigative stop, pat-down, arrest, use of force, consensual search, non-consensual search, search warrant, etc.);
- 2.3. A description of any privacy concerns regarding the content of the video.

Deletion of Accidental or Mistaken Recordings

1. In the event of an accidental or mistaken activation of the BWC where the resulting recording has no investigative or evidentiary value, members may submit a Body Worn Camera Recording Deletion Request, Form 15/17, to their immediate supervisor for approval/disapproval.
2. Approved requests shall be forwarded to the BWC Coordinator. The BWC Coordinator shall review all accidental or mistaken recordings and determine whether or not the recording had an official purpose. Recordings deemed by the BWC Coordinator to hold no official purpose or evidentiary value shall then be deleted.
3. A copy of the Body Worn Camera Recording Deletion Request, Form 15/17, shall be maintained by the BWC Coordinator.

Security, Retention, and Disclosure of BWC Data

1. Members are strictly prohibited from sharing any BWC log-in credentials with any other person.
2. Only members who have successfully completed BWC training and possess valid BWC log-in credentials are authorized to view BWC data.
3. Accessing, copying, or releasing BWC data for non-law enforcement purposes is strictly prohibited.
4. Accessing, copying, releasing, or sharing BWC data on any computer or device not issued by the BPD is strictly prohibited.
5. The BPD shall retain a non-editable original version of BWC data, and shall log any time data is viewed, for what length of time and by whom, and shall log any copying or editing of BWC data. BPD personnel are strictly prohibited from tampering with or editing this original version.
6. Access to BWC data shall be controlled through a secure location.
7. Access to BWC data shall not be shared with any member of the media unless authorized by the Police Commissioner or his/her designee.

Reporting Requirements

State in the first line of the narrative of any charging document, investigative report, or supplement if BWC data exists. (Incident Captured on BWC, C.C.#_____).

Review of Recordings

1. Supervisors may review and/or copy BWC data capturing the performance of a subordinate under their command for the purpose of:

- 1.1. Conducting an investigation;
- 1.2. Monitoring a subordinate's professional conduct/performance;
- 1.3. Training; and
- 1.4. When advancing the best interest of the public, the BPD, or the member.
2. Members of the Office of Professional Responsibility (OPR) may review and/or copy BWC data from any member's camera.
3. Members of the Criminal Investigation Division (CID) may review and/or copy any BWC data which might be relevant to a criminal investigation they are conducting.
4. The following members can view and/or copy BWC data upon request and approval from the BWC Coordinator:
 - 4.1. Any member, provided it is for law enforcement purposes or other legitimate use, with the approval of the BWC Coordinator;
 - 4.2. Professional Development and Training Academy (PDTA), for training purposes;
 - 4.3. Members of the State's Attorney's Office or United States' Attorney's Office, provided it is for law enforcement purposes;
 - 4.4. Legal Affairs; and
 - 4.5. Members of the public through Maryland Public Information Act (MPIA) requests.
5. Members may view BWC data from their own assigned camera, or the camera of another involved member to assist in complete and accurate report writing for routine matters. A member must document in their written reports whether BWC data for the incident was reviewed.
6. Members who are involved in a Level 3 Reportable use of force (See Policy 1115, *Use of Force*), in custody death, or are the subject of a criminal investigation may not view their BWC recordings related to the incident prior to completing and submitting any required reports and/or being interviewed by the appropriate investigative unit unless:
 - 6.1. The member is in receipt of a declination letter from the prosecuting authority, or the member has been compelled to make a statement and the appropriate *Garrity* warning has been issued; and
 - 6.2. The recording is viewed at OPR or at a location approved by an OPR official.
- NOTE:** In reviews under 5 and 6 of this subsection, members may only review data from their assigned BWC. The cross-review of additional member's BWC data is prohibited even if said members are involved in the same incident.
7. A supervisor not involved in the incident shall take possession of the member's BWC and be responsible for downloading and tagging the data under the following circumstances:

- 7.1. Any time the Special Investigations Response Team (SIRT) responds to investigate an incident;
- 7.2. Any time there is a Level 1 or Level 2 Reportable use of force (See Policy 1115, *Use of Force* for definitions of Levels of Force); and
- 7.3. Any other time in the discretion of a commanding officer not involved in the incident.

8. A supervisor must review the BWC data of a member(s) when:
 - 8.1. The member is injured or another member is injured or killed during the performance of their duties;
 - 8.2. There is a reportable use of force by the recording member or another member;
 - 8.3. The member is involved in an incident that results in an injury requiring hospitalization or a fatality including, but not limited to, in-custody deaths and crashes or vehicular pursuits; or
 - 8.4. The member has informed the supervisor they believe that the event may result in a complaint.
9. BWC recordings of constitutionally protected activity may 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.
10. BWC data shall not:
 - 10.1. Be used to create a database or pool of mug shots;
 - 10.2. Be used as fillers in photo arrays; or
 - 10.3. *Be searched* using facial recognition software.

EXCEPTION: This subsection does not prohibit the BPD from using facial recognition software to analyze the recording of a specific incident when a supervisory member has reason to believe that a specific suspect, witness or person in need of assistance was recorded.

MPIA Requests

Members of the public may request to obtain BWC footage by completing a Baltimore Police Department MPIA Request Form and emailing same to: DCU@baltimorepolice.org. Requests for BWC footage shall be granted or denied based upon the Maryland Public Information Act ("MPIA"), Annotated Code of Maryland, General Provisions Article, § 4-101, et seq.

BWC Coordinator

The BWC Coordinator is responsible for the overall implementation, administration, and execution of the BWC program. Issues related to BWC training, hardware, software, BPD retrieval requests, etc., shall be directed via email to the BWC Coordinator for appropriate action at: BWC@Baltimorepolice.org.

APPENDICES

- A. Video Retrieval Request, Form 371/15
- B. Body Worn Camera Recording Deletion Request, Form 15/17

RESCISSON

Remove and destroy/recycle Policy 824, *Body Worn Cameras Pilot Program* dated 26 October 2015.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.

APPENDIX A

Video Retrieval Request, Form 371/15

Video Retrieval
Request Form 371/15
1160-25-82

POLICE DEPARTMENT
BALTIMORE, MARYLAND

VIDEO RETRIEVAL REQUEST

<input type="checkbox"/> NON-EVIDENTIARY	<input type="checkbox"/> INTERNAL	<input type="checkbox"/> CONFIDENTIAL	<input type="checkbox"/> OTHER	# of Copies
(Must have authorization from Command)				
Command Member (Print Last, First, MI)	Signature	Sequence #	Rank	Assignment

CAMERA DATA

Camera Type BWC CCTV Other:

Camera Location (N/A for BWC) Officer's BWC footage to be reviewed (Name - Print Last, First, MI) and Sequence #

INCIDENT DATA

Date	Time	CC #	CAD #
Span	From:	To:	
Street Address / Location			
Nature / Type / Description of Incident			

REQUESTING MEMBER (If different from above)

Name (Print Last, First, MI)	Signature	Sequence #	Rank	Assignment

CCTV

(Completed by Watch Center Only)

Replacement Hard Drive	Serial Number	Date Checked Out	Time Checked Out
Evidentiary Hard Drive	Serial Number	Date Checked In	Time Checked In

WATCH CENTER / BWC COORDINATOR

APPROVED DISAPPROVED

Name (Print Last, First, MI)	Signature	Sequence #	Date	Time

REQUESTING MEMBER'S ACKNOWLEDGEMENT OF RECEIPT

Name (Print Last, First, MI)	Signature	Sequence #	Date	Time

Body Worn Camera
Recording Deletion Request
Form 15/17

**Baltimore Police Department
Baltimore, Maryland**

**BODY WORN CAMERA
RECORDING DELETION REQUEST**

Requesting Member (Print Last, First Name)		Rank	Sequence#
Assignment	Today's Date	Time	Signature

INCIDENT

Involved Member	Sequence #	Date
Time (approximate)	Location	Video Tag:

Please describe the footage and articulate your reason for the Deletion Request:

Member's Immediate Supervisor (Print Last, First Name)		Rank	Sequence#
Date	Time	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/>	Signature

Body Worn Camera Coordinator's Determination

I, _____ (Print Last, First Name), after reviewing the above mentioned Body Worn Camera footage, deem the footage to be of: **Evidentiary Value** / **No Value** (circle one). Based on my finding, said video footage will be **Retained** / **Deleted** (circle one).

Additional Remarks:

Signature/Sequence #/Date/Time

