



Policy 824

Subject	
BODY WORN CAMERAS PILOT PROGRAM	
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By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to equip members with a body worn camera (BWC). The cameras shall promote professionalism, accountability and transparency by documenting interactions with the public. The cameras shall also serve as useful tools for preserving evidence. Members of the BPD who are issued a BWC shall wear the BWC in accordance with the provisions of this policy and all local, state and federal laws, while performing law enforcement duties.

Audio and video data may contain extremely sensitive and private recordings. A breach in data security, careless handling of data and/or intentional release of data to non-authorized individuals could jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions and endanger the safety of individuals. The utmost care and caution shall be taken to ensure that this data is not mishandled or misused. Violations related to the unauthorized dissemination of this data shall be cause for disciplinary action. All images and sounds recorded by the BWC and stored in the hosted storage repository are the property of the BPD.

Members may only utilize issued BWC devices while on-duty. The use of a non-issued BWC device on-duty is strictly prohibited.

PURPOSE

The purpose of this policy is to provide guidance on how and when to use the BWC.

GENERAL

The BWC shall be utilized to record the audio and video documentation of most interactions between members and the public. The need to capture evidence and ensure that interactions are professional, appropriate and safe is vital to protecting the rights of citizens and members of the BPD from false allegations and wrongdoing. This policy is not intended to erode relationships with the community by capturing footage or conversations which citizens do not wish to be captured. The audio and video evidence shall be subject to the evidentiary rules of discovery.

Members issued a BWC shall wear the BWC at all times while on duty. This excludes uniformed secondary employment activities scheduled through the Overtime Unit.

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 Activation

Unless unsafe, impossible, or impractical to do so, the BWC shall be activated:

1. At the initiation of a call for service or other activity that is investigative or enforcement in nature.
2. During any encounter that becomes confrontational.

NOTE: If a member is unable to activate the BWC at the initiation of a call for service or other activity that is investigative or enforcement in nature, the member shall activate the BWC at the first reasonable opportunity to do so.

Private Residences

Private residences should not be treated any differently than other property for purposes of recording.

Notice

1. Except as otherwise exempted by law, notify, as soon as practicable, the individual that the individual is being recorded unless it is unsafe, impractical, or impossible to do so, by stating:
 - 1.1. "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 becomes a party to the communication after the initial notice has been provided.

Exceptions

1. Members may deactivate a BWC in certain situations. In the event that a member disables the recording function of the BWC, the member shall state orally into the BWC, the reason for disabling the device. When in doubt, record the interaction.
2. Deactivation of a BWC may be appropriate when a victim, witness, or other person wishes to make a statement or share information, but refuses to do so while being recorded, or requests that the camera be turned off. Officers may turn the camera off to obtain the statement.
3. Sensitive circumstances are present (for example, when interviewing a victim of sexual violence).
4. Recording would risk the safety of a confidential informant or undercover officer.

Health Care Facilities and Detention FacilitiesPatient Privacy

1. Members shall not activate the BWC until meeting with the complainant on a call-for-service or when encountering an on-view incident while inside of a medical facility which requires activation pursuant to this policy.
2. Members shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
3. Officers shall not record while in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a radio call involving a suspect or taking a suspect statement.
4. Officers shall not regularly record while inside jail facilities.
5. However, in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, the member shall, when reasonably able to do so, activate their BWCs to record the encounter.

Ending a Recording

Once recording with a BWC has been initiated, members shall not end the recording until:

1. The event or encounter has fully concluded; or
2. The member leaves the scene and anticipates no further involvement in the event; or
3. A supervisor has authorized that a recording may cease because the member is no longer engaged in a related enforcement or investigative activity; or
4. An involved person refuses to cooperate unless recording ceases, and in the member's judgment, the need for cooperation outweighs the need to record the information.

When not to Record

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 of BWC Data

Tagging, or marking of video, serves as a method to reference data at a later date.

1. The member is responsible for uploading all BWC recordings by the conclusion of the member's tour of duty in accordance with the BWC manufacturer's uploading procedures.
2. After the BWC is uploaded, the member shall tag the video with the following information:

- 2.1. Any related CC or other report numbers;
- 2.2. The type of incident (for example, citizen contact, investigative stop, frisk, arrest, use of force, consensual search, non-consensual search, search warrant, etc.);
- 2.3. Whether the recording is evidentiary or non-evidentiary;
- 2.4. A description of any privacy concerns regarding the content of the video.

Accidental Recordings

1. In the event of an accidental 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 recordings and determine whether or not the recording had an official purpose. Recordings deemed by the BWC Coordinator to hold no official purpose 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 information or passwords with any other person.
2. Only members who have successfully completed BWC training and possess valid BWC system log-in credentials are authorized to view BWC footage.
3. Accessing, copying or releasing files for non-law enforcement purposes are strictly prohibited. All access to the downloaded material must be authorized in writing by the Police Commissioner or his/her designee.
4. Accessing, copying, releasing or sharing BWC footage on/from any computer or device not issued by the BPD is strictly prohibited.
5. The BPD shall retain a non-editable original version of BWC footage, and shall log any time the footage is viewed, for what length of time and by whom, and shall log any copying or editing of BWC footage.
6. Access to BWC data shall be controlled through a secure location.
7. Members are explicitly prohibited from tampering, editing and/or copying data stored in the BWC and the hosted storage repository.

Review of Recordings

1. Requests to review/copy digital data may be made by:
 - 1.1. A supervisor in reviewing the performance of a subordinate or other member for the purpose of:

- 1.1.1. Conducting an investigation;
- 1.1.2. Monitoring a subordinate's professional conduct/performance;
- 1.1.3. Training;
- 1.1.4. When deemed to be in the best interest of the public, the BPD or the member.

NOTE: Recordings shall not be routinely or randomly viewed by members for the sole purpose of enforcing policy violations observed on the recordings.

- 1.2. Members of the Internal Affairs Section (IAS), Command Investigations Unit or Inspections Unit;
 - 1.3. Members of the Criminal Investigation Division;
 - 1.4. Any member, provided it is for law enforcement purposes;
 - 1.5. Professional Development and Training Academy (PTDA), for training purposes;
 - 1.6. Members of the State's Attorney's Office or United States' Attorney's Office;
 - 1.7. Legal Affairs;
 - 1.8. Members of the public through MPIA requests.
2. Members may view their own video footage to assist in complete and accurate report writing for routine matters. A member must document in their written reports whether camera data for the incident was reviewed.
 3. Members who are involved in a serious use of force, in-custody death, or are the subject of a criminal investigation may view their BWC recording related to the incident prior to completing and submitting any required reports and being interviewed by the appropriate investigative unit provided that:
 - 3.1. 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
 - 3.2. The recording is viewed at IAS or at a location approved by an IAS official.
 4. Members who are the subject of an administrative investigation may view their BWC recording prior to completing and submitting any required reports and being interviewed by the appropriate investigative unit.
- NOTE:** In such cases, members may only review footage from their assigned BWC. The cross-review of additional member's BWC footage is prohibited even if said members are involved in the same incident.
5. Supervisors must review the BWC recordings of a member(s) when:
 - 5.1. The member is injured or another member is injured or killed during the performance of their duties;

- 5.2. There is a use of force by the recording member or another member;
 - 5.3. The member is involved in an incident that results in a fatality including, but not limited to, in-custody deaths and crashes or vehicular pursuits resulting in a fatality; or
 - 5.4. The member has reason to believe that the event may result in a complaint.
6. A BWC recording of a 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.
 7. Stored video and audio data from a BWC shall not:
 - 7.1. Be used to create a database or pool of mug shots;
 - 7.2. Be used as fillers in photo arrays; or
 - 7.3. Be searched using facial recognition software.

NOTE: This subsection does not prohibit the BPD from using a recognition software to analyze the recording of a particular incident when a supervisory member has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording.

Reporting Requirements

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

Maryland Public Information Act (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 shall be responsible for the overall implementation, administration, and execution of the BPD BWC program. Issues related to BWC training, hardware, software, 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

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
1160-25-62

POLICE DEPARTMENT
BALTIMORE, MARYLAND

VIDEO RETRIEVAL REQUEST

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

CAMERA DATA

Camera Type	<input type="checkbox"/> BWC	<input type="checkbox"/> CCTV	<input type="checkbox"/> Other:
Camera Location (N/A for BWC)			

INCIDENT DATA

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

REQUESTING MEMBER (If different from above)

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

Name (Print Last, First, MI)	Signature	Sequence #	Date	Time
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REQUESTING MEMBER'S ACKNOWLEDGEMENT OF RECEIPT

Name (Print Last, First, MI)	Signature	Sequence #	Date	Time
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White - Requesting Member

Canary - Watch Center

Pink - CCTV/ BWC Unit

Goldenrod - Central Records Section

APPENDIX B

Body Worn Camera Recording Deletion Request, Form 15/17

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	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	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