



## Policy 824

Subject	
<b>BODY WORN CAMERA</b>	
Date Published	Page
<b>1 January 2018</b>	<b>1 of 13</b>

*By Order of the Police Commissioner*

### POLICY

- Professionalism, Accountability, and Evidence Collection.** The Baltimore Police Department (BPD) equips 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. 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.
- 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, as well as subject those people to invasions of privacy, endanger their safety, and/or jeopardize prosecutions. Accordingly, the utmost care and caution shall be taken to ensure that this data is not mishandled or misused. Private residences should not be treated differently than other locations for purposes of recording.
- Transparency.** The BPD must balance privacy and investigative concerns against the need for transparency while complying with relevant public disclosure laws. 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. When in doubt, record.

### DEFINITION

**Activation** — Pressing the “event” button twice to begin recording audio and video with the BWC.

**Administrative Investigative Functions** — Investigations taking place where no citizen/police interaction is occurring, or likely to occur (e.g., observing Citiwatch cameras, querying computer databases, reviewing reports, conducting covert surveillance, etc.).

**Body-Worn Camera (BWC)** — Audio and/or video recording equipment that is affixed to an officer’s person, uniform, or equipment, with the capability of capturing, recording, and storing information for later viewing.

**Buffering Mode** — When Powered On, but not activated, the BWC captures video but not audio. The video is not stored into permanent memory until BWC activation. Once Activated, the BWC will permanently store video captured 30 seconds prior to BWC Activation, and all audio and video captured until Deactivation.

**Deactivation** — Pressing and holding the “event” button for approx. four seconds to cease audio and video recording. Upon Deactivation, the BWC will enter Buffering Mode.

**Powered Off** — Turning the BWC off. When Powered Off, the BWC cannot record audio or video, and the BWC is not in Buffering Mode.

**Powered On** — Turning the BWC on. The BWC will operate in Buffering Mode until Activation or Powering Off.

**Routine Administrative Activities** — Activity such as report writing, equipment inspection, roll call, evidence submission, remote arrest processing, etc., not likely to result in citizen/police interaction or enforcement related activity.

## **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.
  - 3.1. The use of the BWC while off-duty is prohibited unless working approved uniformed secondary employment.
  - 3.2. The use of a non-issued BWC device on-duty is strictly prohibited.
4. The BWC shall remain in the Power On position when worn. At no time shall the BWC be Powered Off when worn on the body.

## **Issuance and Utilization**

### **Patrol, Enforcement, and Support Units**

Members assigned to units whose primary duties involve interactions with citizens and/or enforcement related activities (e.g., Patrol, SWAT, K-9, WATF, RATT, DAT, etc.) shall wear the BWC at all times while on-duty.

**EXCEPTION:** Members performing tasks in which wearing the BWC would be impractical (Dive Team, Physical Fitness Training, Aviation Unit, Facilities Maintenance, etc.) or unsafe (Bomb Techs, HAZMAT responders, etc.) shall not wear the BWC while performing those tasks.

### **Administrative/Investigative Units**

Members assigned to units whose primary duties are administrative (e.g., Communications, ECU, Quartermaster, RMS) or investigative (e.g., DDU, Homicide, Pawn Shop, Sex Offense, Child Abuse, etc.) are not required to wear the BWC during the normal course of their duties, unless:

1. The member anticipates participating in enforcement activity (e.g., serving an arrest warrant, executing a search warrant where a dynamic entry is needed to obtain evidence, etc.), or

2. The member is detailed to work a uniformed assignment where citizen/police interaction is occurring, or is likely to occur (e.g., patrol, parade, baseball game, Artscape, Inner Harbor Detail, uniform secondary employment, etc.), or
3. The member is directed to wear the BWC by a permanent-rank supervisor.

#### Federal Task Force Officers, Undercover Detectives, and Vice Detectives

1. Members deputized as federal task force officers (TFOs) (e.g., ATF, FBI, DEA, etc.) are exempt from wearing a BWC while conducting task force operations and investigations.
2. Members assigned to Undercover and/or Vice Units are exempt from wearing a BWC while operating in an undercover capacity. Arrest team members assigned to Undercover and/or Vice Units shall wear their BWC in accordance with this policy, taking proper care and caution not to record members acting in an undercover capacity.

#### BWC Maintenance and Battery Life

1. Members shall perform a function and battery test of the BWC in accordance with training prior to beginning each shift.
2. Members shall routinely monitor the battery level of the BWC during their tour of duty. The battery level can also be viewed via the paired mobile device.
  - 2.1. If the battery indicator is “red” (below 20%), charge the BWC immediately.
  - 2.2. If the battery indicator is “yellow” (20% to 40%), charge the BWC when practicable.
  - 2.3. If the battery indicator is “blinking red and yellow” (battery is critically low), charge the BWC immediately, or respond to the Evidence Control Unit (ECU) to be issued a replacement.

NOTE: Members issued a BWC shall not perform enforcement related functions if their BWC is not functioning due to a critically low battery or any other malfunction. The member must respond immediately to ECU to obtain a replacement unit, or shall perform non-enforcement related activity until their BWC is sufficiently charged to be functional for the remainder of the member’s shift.

3. During extended periods where BWC activation is not anticipated (e.g., arrest processing, report writing, evidence submission, etc.), charge the BWC.

#### Malfunctions

1. Upon discovering a BWC malfunction, members shall:
  - 1.1. Immediately report the malfunction to a supervisor in writing, via an Administrative Report, Form 95, and
  - 1.2. Respond to ECU to be issued a replacement BWC.

- Supervisors shall immediately scan/email the Administrative Report, Form 95 to: [BWC@Baltimorepolice.org](mailto:BWC@Baltimorepolice.org).

### **Wearing the BWC**

- The BWC is designed to be worn on the member's outermost garment, at chest level, in the best position to maximize the BWC field of view and facilitate ease of BWC operation based on the clothing/equipment worn by the member.
- The BWC shall be Powered On at all times while worn on the body.
- The BWC is not to be utilized off-body as a surveillance tool.
- Members issued a BWC are not exempt from wearing a tie when wearing a long sleeve uniform shirt. The BWC shall not be mounted in such a way that the tie will obstruct the BWC's field of view.
- Members issued a BWC are not required to wear the BWC when in Class "A" uniform.

### **Notice of BWC Recording**

- 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."**
- This notice provision is satisfied even if another individual enters the zone of recording after the initial notice has been provided.

### **Prohibited Recording**

A member shall not activate the BWC to record:

- Agency personnel during Routine Administrative Activities; or
- Non-work related personal activity.

### **Mandatory Recording**

Unless unsafe, impossible, or impractical to do so, all members (not just the primary unit) present, dispatched, or otherwise participating in any of the below listed activities must Activate their BWC:

- At the initiation of a call for service or other activity or encounter that is investigative or enforcement-related in nature.
  - The BWC must be Activated immediately upon receipt of or response to any in-progress call, or activity likely to require immediate enforcement action (e.g., in progress or just occurred armed robbery, armed person, aggravated assault, narcotics, gambling, etc.).
  - The BWC shall be Activated upon arrival for routine, non-emergency calls for service (e.g., larceny from auto report, destruction of property report, Signal 30, etc.).

2. During any encounter with the public that becomes confrontational.
3. When operating a vehicle in Emergency Response Mode (emergency lights and siren activated) as defined in Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*.
4. When attempting to conduct a stop (traffic stop, bicycle stop, or person), the BWC shall be Activated immediately upon obtaining probable cause or reasonable suspicion for the attempted stop, or responding to provide back-up for another officer.
5. When present on the scene with prisoners, arrestees, suspects or any other individuals who are stopped by police, whether primary unit or not, the BWC shall be Activated.
6. When transporting a detainee, regardless if the transport vehicle is equipped with a Transport Vehicle Camera (TVC) System.
7. When following a medic, tow truck, or other vehicle as part of a continuation for an investigation or call for service.
8. When a search for evidence or inventory of a vehicle is being conducted. This applies to both the member(s) searching, and those on scene. (See **Strip Searches** on pg. 6).
9. All members must call "10-61" when activating the BWC (see Policy 701, *Departmental Radio Communications*).

#### **Exceptions to Recording**

1. A member is not required to Activate the BWC if they reasonably believe recording would risk the safety of a confidential informant or undercover officer.
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 Deactivate 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 they not be recorded.
3. A member is not required to Activate the BWC when performing Administrative Investigative Functions.
4. A member who does not Activate the BWC as directed by this subsection shall document the reason that the BWC was not Activated in an Administrative Report, Form 95, as soon as possible after the incident concludes, and submit the report to the member's first-line supervisor by the end of the member's tour of duty. Upon review, the first-line supervisor shall scan/email the Administrative Report, Form 95 to: [BWC@Baltimorepolice.org](mailto:BWC@Baltimorepolice.org).
5. A member who interrupts or terminates a BWC recording in progress shall document the reason that the BWC was interrupted or terminated in an Administrative Report, Form 95, as soon as possible after the incident concludes, and submit the report to the member's first-line supervisor by the end of the member's tour of duty. Upon review, the first-line supervisor shall scan/email the Administrative Report, Form 95 to: [BWC@Baltimorepolice.org](mailto:BWC@Baltimorepolice.org).

### Health Care Facilities: Patient Privacy

1. Inside a medical facility, members shall not activate the BWC until just prior to meeting with the complainant/victim on a call for service or when encountering an on-view incident which would require BWC Activation under this policy.
  - 1.1. 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 avoid recording persons other than the person of interest, or recording medical documents.
  - 1.2. 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.

### Court Proceedings

Members shall not active the BWC to record any court proceedings unless confronting a violent or assaultive suspect, or in an anticipated use of force instance.

### Bomb Threats

1. Members may Power Off their BWC when investigating bomb threats or suspicious packages under the same circumstances where utilization of the BPD radio is prohibited due to concerns that radio transmissions or BWC Bluetooth transmissions could potentially cause a detonation.
2. Members must immediately Power On the BWC when safe to do so.

### Strip Searches

1. When conducting a strip search, members issued a BWC shall advise the person being searched, while the BWC is Activated, that the BWC is recording. The member shall then ask the individual to be searched if he/she wants the search to be recorded on the BWC, or if the individual wishes the BWC to be Deactivated during the search to respect privacy.
2. Comply with the wishes of the individual.
  - 2.1. If the individual asks for the BWC to be Deactivated, memorialize this request on the BWC, Deactivate the BWC, then conduct the search.
  - 2.2. Once the search of the requested area is complete, Activate the BWC immediately to record the rest of the encounter.

### 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.

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 individuals in these categories at the earliest opportunity that they can request to Deactivate the BWC.
3. Prior to deactivating the BWC, the member shall state orally into the BWC the reason for Deactivation.
4. When in doubt, members shall continue to record the interaction if it is reasonable to do so.
5. All members must call "10-62" when Deactivating their BWC.

### **Uploading, Categorizing, and Titling BWC Data**

Titling, tagging, or marking camera data facilitates the retrieval of data at a later date.

1. The member is responsible for uploading all BWC data by the conclusion of the member's tour of duty.
2. Prior to the end of your tour of duty, ensure the data is categorized and titled with the following information:
  - 2.1. The title of the video shall contain any related CC, citation, warrant, contact receipt or other report numbers;
  - 2.2. The category of the video shall indicate the type of incident (e.g., Accidental, Arrest, Call for Service, Car Stop, Self-Initiated, Training, Restricted);
  - 2.3. A description of any privacy concerns regarding the content of the video.
3. A supervisor not involved in the incident shall take possession of the member's BWC and be responsible for uploading and titling the data under the following circumstances:
  - 3.1. Any time the Special Investigations Response Team (SIRT) responds to investigate an incident;
  - 3.2. 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
  - 3.3. Any other time at the discretion of a commanding officer not involved in the incident.

### **Reporting Requirements**

Members are required to state if BWC data exists at the beginning of the narrative of any charging document, investigative report, or supplement. (i.e., 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 Crimes Against Persons Division (CAPD) 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. Police Training Academy (PTA), for training purposes;
  - 4.3. Members of the Office of the State's Attorney, United States' Attorney's Office, Attorney General's Office, or other prosecuting authority, for purposes of investigation leading to possible prosecution;
  - 4.4. Legal Affairs; and
  - 4.5. Members of the public, after approval of a properly submitted Maryland Public Information Act (MPIA) request.
5. Where not otherwise prohibited by this policy, 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 who 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 6 of this subsection, members may only review data from their assigned BWC. The cross-review of additional members' BWC data is prohibited even if said members are involved in the same incident.

7. A supervisor must review the BWC data of a member(s) when:
  - 7.1. The member is injured or another member is injured or killed during the performance of their duties;
  - 7.2. There is a reportable use of force by the recording member or another member;
  - 7.3. 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, crashes, and/or vehicular pursuits; or
  - 7.4. The member has informed the supervisor they believe that the event may result in a complaint.
8. BWC recordings of constitutionally protected activity may not be used to identify persons present at the activity who are not otherwise suspected of being engaged in illegal activity.
9. BWC data shall not:
  - 9.1. Be used to create a database or pool of mug shots;
  - 9.2. Be used as fillers in photo arrays; or
  - 9.3. 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.

#### **Security, Retention, and Disclosure of BWC Data**

1. Members are strictly prohibited from sharing any BWC log-in credentials with any other person.
2. Accessing, copying, or releasing BWC data for non-law enforcement purposes is strictly prohibited, unless directed by the Police Commissioner, or designee.
3. Accessing, copying, releasing, or sharing BWC data on any computer or device not controlled or provided by the BPD is strictly prohibited.
4. 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.
5. Access to BWC data shall be controlled through a secure location.
6. Access to BWC data shall not be shared with any member of the media unless authorized by the Police Commissioner or his/her designee.

**Audits and Inspections**

1. The BWC Unit shall conduct periodic, random reviews and audits of BWC video to assess whether the member's activity was conducted consistent with law and BPD policy.
2. Violations of BPD policy, violations of law, and any activity which may bring discredit to the member or the BPD shall be reported to the Chief, OPR and Chief, Media Relations Section (MRS), when appropriate.
3. Audits shall also be used to assess:
  - 3.1. Member performance,
  - 3.2. Training and equipment needs, and
  - 3.3. Consistency between written reports and recording.

**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 372, 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.
3. If the BWC Coordinator concurs that the recording holds no official purpose or has no evidentiary value, the BWC Coordinator shall forward the Recording Deletion Request to the Chief, OPR for review.
4. If the Chief, OPR concurs that the recording holds no official purpose or has no evidentiary value, the Chief, OPR shall approve the request and forward it to the Director, Information Technology Section to delete the recording.
5. A copy of the Body Worn Camera Recording Deletion Request, Form 372, shall be maintained by the BWC Coordinator.

**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).

**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 375
- B. Body Worn Camera Recording Deletion Request, Form 372

**ASSOCIATED POLICIES**

Policy 701, *Departmental Radio Communications*  
Policy 825, *Transport Vehicle Camera (TVC) System*  
Policy 1115, *Use of Force*  
Policy 1503, *Emergency Vehicle Operation*

**RESCISSION**

Remove and destroy/recycle Policy 824, *Body Worn Camera* dated 13 September 2017.

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.



**APPENDIX B**

Body Worn Camera Recording Deletion Request, Form 372

Body Worn Camera  
Recording Deletion  
Request Form 372

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:

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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:

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Signature/Sequence #/Date/Time