



## Policy 824

Subject	
<b>BODY-WORN CAMERA</b>	
Date Published	Page
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*By Order of the Police Commissioner*

### **POLICY**

The purpose of this policy is to provide guidance on the proper use of Body-Worn Cameras (BWCs) in order to promote safety, professionalism, transparency, and accountability. 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.

**This policy establishes a standardized system for creating, retaining, and viewing audio/video recordings made with BWCs during investigative or law enforcement activities and contact with members of the public.**

### **CORE PRINCIPLES**

**Professionalism, Transparency, and Accountability.** The proper and consistent use of BWCs to document a member's enforcement and investigative activities and contacts with the public promotes member professionalism, enhances member safety, results in greater transparency, and assists in the accurate disposition of use of force and misconduct investigations.

**Evidence Collection.** BWCs are useful tools for recording and preserving evidence, which promotes effective investigations and prosecutions.

**Integrity of BWC Recordings.** Once BWC footage is captured, a member may not alter it in any way or view it unless specifically authorized under this policy.

**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, members shall take the utmost care and caution to ensure that BWC data is not mishandled or misused. Private residences are not subject to any special privacy interests, and as such, members should record interactions within those residences as directed in this policy.

**Balancing of Interests.** 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.

## **DEFINITIONS**

**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 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 prior to BWC Activation, and all audio and video captured until Deactivation.

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

**Livestream** — When a member’s camera is Activated and recording, an authorized user may view that BWC footage in real-time via Evidence.com. Members whose BWC footage is being Livestreamed will be notified immediately on the BWC LCD display and through a vibration notification (unless Stealth Mode is enabled). Cameras that are not Activated are unable to have their footage Livestreamed.

**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, roll call, remote arrest processing, etc., not likely to result in citizen/police interaction or enforcement related activity.

**Stealth Mode** — Pressing and holding the volume down button for approximately three seconds to cease LED light, display screen backlight, sounds, and vibration notifications on a member’s BWC.

## **GENERAL**

1. All members shall be trained on proper utilization of BWCs.
2. BWC data is subject to the rules of discovery, meaning BWC data may be disclosed and obtained as evidence in a trial. In addition, state law permits individuals to request copies of BWC data.
3. All images and sounds recorded by the BWC are the property of the BPD.
4. Members may only utilize issued BWC devices while on-duty.

- 4.1. The use of the BWC while off-duty is prohibited unless working approved BPD secondary employment that is conditioned on the actual or potential use of law enforcement powers by the member while in BPD uniform (See Policy 1702, *Secondary Employment*).
- 4.2. The use of a non-issued BWC device or any other non-issued recording device on-duty is prohibited.

## **DIRECTIVES**

### **Issuance and Utilization**

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

5. Members shall be issued a BWC and a companion mobile application on their issued departmental mobile phones upon completion of BWC training.
6. 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.

**NOTE:** 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:

7. The member anticipates participating in enforcement activity (e.g., serving an arrest warrant, executing a search warrant etc.), or
8. 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, uniformed secondary employment, etc.), or
9. The member is directed to wear the BWC by a permanent-rank supervisor.

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

10. 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.
11. Members assigned to support federal agents who are on-scene assisting an operation involving agents from the ATF, FBI, DEA, etc. are exempt from Activating the BWC while fulfilling those obligations.

12. Members will obtain permission from a supervisor and memorialize their assignment and reason for not utilizing the BWC into the BWC prior to assisting a federal law enforcement agency in these circumstances.
13. Members assigned to Undercover Squad 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.

### 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:

14. At the initiation of a call for service or other activity or encounter that is investigative or enforcement-related in nature.
  - 14.1. The BWC must be activated immediately upon receipt of or in 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.).
  - 14.2. The BWC shall be activated immediately before arrival and prior to exiting the vehicle for routine, non-emergency calls for service (e.g., larceny from auto report, destruction of property report, Signal 30, etc.).
15. In the event a voluntary encounter becomes a field interview or an investigative stop, members shall activate their BWC as soon as the member begins the field interview or develops reasonable suspicion for a stop.
16. During any encounter with the public that becomes confrontational.
17. When operating a vehicle in Emergency Response Mode (emergency lights and siren activated) as defined in Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*.
18. When attempting to conduct a stop (e.g., traffic stop, bicycle stop, or person), the BWC shall be activated immediately upon obtaining reasonable suspicion for the attempted stop, or responding to provide back-up for another officer.
19. When present on the scene with prisoners, arrestees, suspects or any other individuals who are stopped by police, whether primary unit or not.
20. When transporting a detainee, regardless of whether the transport vehicle is equipped with a Transport Vehicle Camera (TVC) System.
21. When following a medic, tow truck, or other vehicle as part of a continuation for an investigation or call for service.
22. 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/Body Cavity Searches** on pg. 7).
23. All members must call "10-61" when activating the BWC (see Policy 701, *Departmental Radio*

*Communications).*

**NOTE:** If exigent circumstances prevent a member or supervisor from activating the BWC prior to responding to a call for service or an encounter with the public, the member shall activate the BWC as soon as the exigency subsides.

### **Exceptions to Recording**

24. A member is not required to activate the BWC during contacts with a confidential informant or undercover officer unless another member of the public is present.
25. 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.
26. A member is not required to activate the BWC when performing Administrative Investigative Functions or Routine Administrative Activities as defined in this policy unless directed by a supervisor, or to memorialize required tasks (e.g., training exercise, vehicle inspections).
27. A member who does not activate the BWC as directed by this policy 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).
28. 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 and email the Administrative Report, Form 95 to: [BWC@Baltimorepolice.org](mailto:BWC@Baltimorepolice.org).

### **Health Care Facilities: Patient Privacy**

29. 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.
  - 29.1. 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.
  - 29.2. 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.

Central Booking & Intake Facility (CBIF) and Detention Facilities

30. Members are prohibited from wearing the BWC inside CBIF or any detention facility.

Court Proceedings

31. Members shall not activate the BWC to record any court proceedings unless confronting a violent or assaultive suspect, in an anticipated use of force instance, or when directed to take enforcement action by an agent of the court.

Bomb Threats

32. 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 (See Policy 707, *Bomb Threat or Suspicious Package - Call for Service*).
33. Members must immediately Power On the BWC when safe to do so.

**Prohibited Recording**

A member shall not Activate the BWC to record:

34. BPD personnel during Routine Administrative Activities; or
35. Non-work related personal activity.

**REQUIRED ACTION****BWC Maintenance and Battery Life**

36. Members shall perform a function and battery test of the BWC to ensure the BWC is in working order and the battery is fully charged in accordance with training prior to beginning each shift.
37. Members shall routinely monitor the battery level and status of the BWC through the LCD display on the top of the camera during their tour of duty (See Appendix C, AB3 Display Icon Legend). The battery level can also be viewed via the paired mobile device.
- 37.1. If the status bar indicates that a battery is below 33%, members should charge the BWC immediately.
- 37.2. If the battery status bar 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.

38. During extended periods where BWC Activation is not anticipated (e.g., arrest processing, report writing, etc.), members may charge their BWC.

### **Lost, Stolen, or Malfunctioning BWC**

39. When a member learns that his or her BWC is lost, stolen or malfunctioning, the member shall:
- 39.1. Immediately report the lost, stolen, or malfunctioning BWC to a supervisor in writing, via an Administrative Report, Form 95, and
  - 39.2. Respond to ECU to be issued a replacement BWC.
  - 39.3. Members shall not dismantle, tamper with, or attempt to repair any hardware/software component of the BWC.
40. Supervisors shall immediately scan/email the Administrative Report, Form 95 to: [BWC@Baltimorepolice.org](mailto:BWC@Baltimorepolice.org).

### **Wearing the BWC**

41. The BWC is designed to be worn on the member's outermost garment, at chest level, which is 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.

**EXCEPTION:** Members using a helmet-mounted BWC (e.g. SWAT, mounted) may position the BWC on the front of the helmet.

42. Members shall not intentionally obscure the view of their BWC.
43. The BWC shall be Powered On at all times while worn.
44. Members shall pair their BWC with the Axon mobile application downloaded on their departmental phone.
45. The BWC shall not be utilized off-body as a surveillance tool.
46. 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.
47. 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."**

### **Strip Searches/Body Cavity Searches**

48. Prior to conducting a strip search or body cavity 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.
49. Comply with the wishes of the person.
  - 49.1. If the person asks for the BWC to be deactivated, memorialize this request on the BWC, deactivate the BWC, and then conduct the search.
  - 49.2. Once the strip search/body cavity search is complete and the person has dressed, activate the BWC immediately to record the rest of the encounter.
50. If the person wishes that the BWC remain activated during the search, or if the person does not respond, maintain BWC Activation during the search.

### **Axon Aware+ Capabilities**

#### Livestream

51. A member's BWC may Livestream a recording via Evidence.com in order to be viewed by assigned personnel in real-time. Only authorized users designated by the BWC Unit shall utilize the Livestream feature. The BWC Unit shall assign Livestream permissions to supervisory personnel.
52. Supervisors may Livestream BWC footage in order to assist a member, to deploy additional resources, or to check for compliance. Instances where a supervisor may Livestream a BWC include, but are not limited to:
  - 52.1. An ongoing critical incident (e.g., firearms discharge, CEW deployment, Signal 13, or hot pursuit),
  - 52.2. Active shooter situations where command requires multiple viewpoints to coordinate a safe response,
  - 52.3. A hostage/barricade situation,
  - 52.4. At a member's request, or
  - 52.5. During community interactions such as business checks.

NOTE: While the Livestream feature is a tool for supervisors to assist members, its use shall not preclude the responsibilities of supervisors and the Communications Section to respond to an incident and/or notify additional resources as required in BPD policy.

53. The details of all access to the Livestream feature are automatically recorded in the Audit Log of any corresponding BWC recording(s).
54. Supervisors shall not Livestream the BWC of another member for purposes not related to operational necessity or compliance reviews.



GPS Functionality

- 55. A member's BWC includes GPS functionality, which is only available upon BWC Activation.
- 56. A member's location will be visible on a map and available for authorized users when the BWC is Activated.
- 57. Supervisors may review the GPS data in real-time from a subordinate's BWC.

Automatic Activation: Signal Sidearm & Gunshot Detection

- 58. BWCs are paired with a Signal Sidearm wireless device that is housed on the member's firearm and CEW holsters. When the member's firearm or CEW are drawn from their holster, the Signal Sidearm will automatically Activate the member's BWC.
- 59. Members shall ensure that their Signal Sidearm device is affixed to their firearms or CEW holster and paired to their BWC prior to each tour of duty.
- 60. The Signal Sidearm device may be deactivated prior to a member un-holstering their firearm and CEW for administrative purposes (See Policy 409, *Firearms Regulations*). Members shall reactivate the Signal Sidearm device if the administrative un-holstering occurs while the camera is still Powered On.
- 61. BWC Activations triggered by the Signal Sidearm will be audited in Evidence.com. Members will Deactivate their BWC manually following an automatic Activation as directed in **Ending a Recording**.
- 62. Accidental Activations (e.g., administrative un-holstering without deactivating the Signal Sidearm) shall be memorialized verbally in the member's BWC and associated footage shall be titled as an accidental Activation. Members may seek deletion of that footage following the procedures found in the section **Deletion of Accidental or Mistaken Recordings** of this policy.
- 63. BWCs are also equipped with gunshot detection. A member's BWC will automatically Activate when the camera detects a firearms discharge within 3 feet of the member.

**Ending a Recording**

- 64. Once recording with a BWC has been initiated (including instances of automatic Activation), members shall not end the recording unless:
  - 64.1. The event or encounter has fully concluded meaning that no more investigative or enforcement action is anticipated;
  - 64.2. The member leaves the scene and anticipates no further involvement in the event; or
  - 64.3. The member is expressly authorized under this policy to deactivate or Power Off the BWC.
- 65. Prior to Deactivating the BWC, the member shall state orally into the BWC the reason for deactivation.

66. When in doubt, members shall continue to record the interaction if it is reasonable to do so.

67. All members must call "10-62" when deactivating their BWC.

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

Titling and categorizing BWC data facilitates the retrieval of data at a later date.

68. The member is responsible for uploading all BWC data by the conclusion of the member's tour of duty.

69. Prior to the end of the member's tour of duty, the member shall ensure the data is categorized and titled with the following information:

69.1. The title of the video shall contain any related location CC#, citation, warrant, contact receipt or other report numbers (e.g., 123 Main St., CC#\_\_\_\_\_);

69.2. The category of the video shall indicate the type of incident (e.g., Accidental, Arrest/Must Appear, Call for Service, Car Stop, Crime Lab, Self-Initiated, Training, Restricted, etc.);

70. 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:

70.1. Any time the Special Investigations Response Team (SIRT) responds to investigate an incident;

70.2. When completing a use of force review for all members present during an incident of a Level 2 use of force (See Policy 725, *Use of Force Reporting, Review, and Assessment*); and

70.3. Any other time at the discretion of a supervisor not involved in the incident.

### **Reporting Requirements**

71. Members must 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.#\_\_\_\_\_).

72. Members must document in writing any non-recorded event that should have been recorded under BPD policy, as well as any interruptions or terminations of recordings.

### **Review of Recordings**

73. The following persons can receive recorded BWC data upon request and approval from the BWC Coordinator:

73.1. Any member, provided it is for law enforcement purposes or other legitimate use, with the approval of the BWC Coordinator;

73.2. Education and Training Section (E&T), for training purposes;

- 73.3. 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;
- 73.4. Legal Affairs; and
- 73.5. Members of the public, after approval of a properly submitted Maryland Public Information Act (MPIA) request.
74. Where not otherwise prohibited by this policy, members may view BWC data from their own assigned BWC, or the BWC of another involved member, to assist in complete and accurate report writing for routine matters. A member must document in their written reports whether they reviewed BWC data of the incident from their own BWC or the BWC of another member and the date and time that they reviewed each.
75. Members who are involved in a Level 3 use of force (See Policy 710, *Level 3 Use of Force Investigations / Special Investigation Response Team*) incident, including in-custody death may not view any BWC recordings related to the incident prior to completing and submitting any required reports and/or being interviewed by the appropriate investigative unit unless:
- 75.1. 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 *Garritty* warning has been issued; and
- 75.2. The recording is viewed at PIB or at a location approved by a PIB official while the member is in the presence of the assigned investigator or designee.
76. Members who are involved in an incident that triggers a duty to (a) receive or assist in the taking of a public complaint against a member or (b) notify their supervisor or PIB of actual or alleged member misconduct may not review any BWC recordings related to the incident prior to completing any required reports about such allegations and/or being interviewed by the appropriate investigative unit unless:
- 76.1. The member is in receipt of written notice from PIB that the member will not be required to submit a statement with respect to the incident recorded on the BWC footage; or
- 76.2. The recording is viewed at PIB or at a location approved by a PIB official in the presence of the assigned investigator or designee.
- NOTE:** Examples includes circumstances in which (a) the member is under a duty to report potential member misconduct (including their own) in connection with activity recorded on the BWC, (b) the member forwarded a completed complaint form to the member's chain of command or PIB, or (c) the member's supervisor responded to the scene and either took a public complaint or made a complaint of their own.
77. In addition to the above, members who are officially notified that they are under investigation and have received a Notice to the Accused may not subsequently view any BWC footage of the incident under investigation. This access restriction shall remain in place throughout the investigation. Members will be given the opportunity to view the video under the supervision and coordination of a PIB official prior to giving a compelled statement.

**NOTE:** In reviews under **75**, **76**, and **77** 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.

78. Supervisors may review and/or copy BWC data capturing the performance of a member under their command for the purpose of:
  - 78.1. Conducting an investigation (e.g., misconduct, supervisor complaint, vehicle accident, etc.);
  - 78.2. Monitoring a subordinate's professional conduct/performance;
  - 78.3. Training; and
  - 78.4. When advancing the best interest of the public, the BPD, or the member.
79. A supervisor must review the BWC data of a member(s) under their supervision when:
  - 79.1. The member or another member is injured or killed during the performance of their duties;
  - 79.2. There is a reportable use of force by the recording member or another member;
  - 79.3. 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
  - 79.4. The member has informed the supervisor they believe that the event may result in a complaint.
80. Members of the Public Integrity Bureau (PIB) may review and/or copy BWC data from any member's BWC.
81. 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.
82. 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.
83. BWC data shall not:
  - 83.1. Be used to create a database or pool of mug shots;
  - 83.2. Be used as fillers in photo arrays; or
  - 83.3. Be searched using facial or voice recognition software.

**NOTE:** 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**

84. Members are prohibited from sharing any BWC log-in credentials with any other person.
85. Accessing, copying, or releasing BWC data for non-law enforcement purposes is prohibited, unless directed by the Police Commissioner, or designee.
86. Accessing, copying, releasing, or sharing BWC data on any computer or device not controlled or provided by the BPD is strictly prohibited.
87. The BPD shall retain an unedited original version of BWC data for a minimum period of four years, 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.
88. If the BWC incident results in a notice of claim, civil litigation, PIB investigation, or monitor investigation, the footage should be retained for at least one year following the conclusion of the matter, including appeals.
89. Access to BWC data shall be controlled securely through Evidence.com.
90. 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**

91. 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.
  - 91.1. BWC Unit selects 3 members from a shift within 3 districts at random who were working 3 consecutive days.
  - 91.2. BWC video from those members are then matched with CAD and In Pursuit data to confirm whether the members responded to those calls.
  - 91.3. If there is no video from that member, the BWC Unit will investigate other videos associated with the incident to view the member's actions.
  - 91.4. Any violations (e.g., not activating camera, not titling video, late activation, etc.) will be sent to PIB for review.
92. The BWC Unit will perform about 30 audits per month.
93. 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, PIB and Chief, Media Relations Section (MRS).
94. Audits shall also be used to assess:
  - 94.1. Member performance,

- 94.2. Training and equipment needs, and
- 94.3. Consistency between written reports and recording.

### **Deletion of Accidental or Mistaken Recordings**

- 95. 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.
- 96. Approved requests shall be forwarded to the BWC Coordinator. Upon receipt of an approved deletion request, the BWC Coordinator shall review the recording and determine whether or not the recording had an official purpose or evidentiary value.

**NOTE:** Deleting footage exposes the BPD to accusations of tampering. Therefore, requests for deletion of BWC footage shall only be made in instances of unintentional Activation of the BWC during non-enforcement or non-investigative activities (e.g., in the restroom or locker room). Footage that raises privacy concerns (e.g., undercover officer, or filming in a private home or in a hospital) shall be retained, tagged, and obscured should it need to be viewed.

- 97. Deletion requests of footage that depicts policy violations or misconduct shall not be approved.
- 98. If the BWC Coordinator concurs that the recording has no evidentiary value, the BWC Coordinator shall forward the Recording Deletion Request to the Deputy Commissioner, PIB for review.
- 99. If the Deputy Commissioner, PIB concurs that the recording has no evidentiary value, the Deputy Commissioner, PIB shall approve the request and forward it to the Director, Information Technology Section to delete the recording.
- 100. A copy of the Body Worn Camera Recording Deletion Request, Form 372, shall be maintained by the BWC Coordinator.

### **MPIA Requests**

- 101. 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](mailto:DCU@baltimorepolice.org).
- 102. Requests for BWC footage shall be granted or denied by the DCU based upon the Maryland Code, General Provisions § 4-351 (a)(b) (See Policy 603, *Document Compliance Unit*).

### **BWC Coordinator**

The BWC Coordinator is responsible for:

- 103. Granting member access to Evidence.com,
- 104. Arranging for equipment repairs,
- 105. Assisting with the development of training materials and providing technical support,

106. Providing copies of recordings when properly authorized,
107. Providing copies of recordings to outside agencies/individuals when authorized (e.g., MPIA requests, ASA requests, other jurisdictions),
108. Proactively grouping daily arrest videos together for electronic case files,
109. Conducting BWC audits,
110. Providing copies of BWC audits when properly authorized, and
111. Daily review of BWC footage for violations (e.g., failure to record or late activations), and forward to the member's Supervisor and PIB.
112. Authorize the appropriate personnel for Livestream and GPS access.

### **APPENDICES**

- A. Video Retrieval Request, Form 375
- B. Body Worn Camera Recording Deletion Request, Form 372
- C. AB3 Display Icon Legend

### **ASSOCIATED POLICIES**

Policy 310, *Disciplinary/Failure to Appear and Traffic Matrix*  
Policy 409, *Firearms Regulations*  
Policy 603, *Document Compliance Unit*  
Policy 701, *Departmental Radio Communications*  
Policy 707, *Bomb Threat or Suspicious Package – Call for Service*  
Policy 825, *Transport Vehicle Camera (TVC) System*  
Policy 1115, *Use of Force*  
Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*  
Policy 1702, *Secondary Employment*

### **RESCISSION**

Remove and destroy/recycle Policy 824, *Body Worn Camera* dated 1 January 2018.

### **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 A**

## Video Retrieval Request, Form 375

**BALTIMORE POLICE DEPARTMENT  
BODY WORN CAMERA FOOTAGE REQUEST FORM**

DATE

FORM 375

<b>Requestor:</b>	
<b>Address:</b>	
<b>Phone #:</b>	<b>Email Address:</b>
<b>Case Name or Client Name (if applicable):</b>	
<b>Subject:</b>	
<b>Police Report Number (CC#) or CAD#:</b>	
<b>Location of Incident:</b>	<b>Date &amp; Time Frame:</b>
<b>Officer Name:</b>	<b>Officer's Seq#:</b>
<b>Detailed Description of the Incident:</b>	

**PLEASE NOTE:**

*Based on the information provided, the Body Worn Camera (BWC) Administrator will search for the video that is responsive to your described incident.*

*The BWC Administrator makes independent determinations on a case-by-case basis as to the release of any footage requested. The Maryland Public Information Act (MPIA), Annotated Code of Maryland, General Provisions Article ("GP"), § 4-101, et seq. governs this request for BWC footage.*

*Your request for records is an agreement to pay the reasonable costs of producing the records. The reproduction cost associated with producing any one (1) BWC Video File is \$50.00 (i.e., if the incident requested entails two (2) responsive BWC video files, the cost of reproduction is \$100.00).*

*Please return the completed form either by email to [DCU@baltimorepolice.org](mailto:DCU@baltimorepolice.org) or by mail to **Baltimore Police Department/Office of Legal Affairs, c/o Document Compliance Unit**, 100 N. Holliday Street, Suite 101, Baltimore MD 21202.*

Revised 6/17



**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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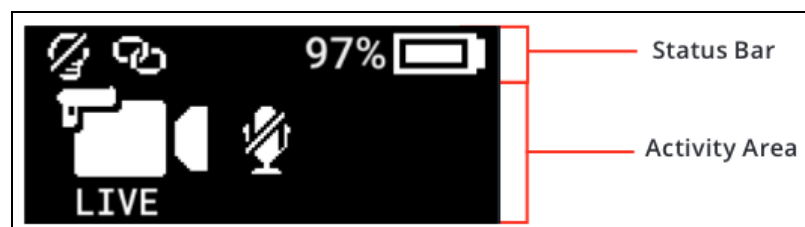
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Signature/Sequence #/Date/Time

**APPENDIX C**

## AB3 Display Icon Legend



Activity Area Icon	Description
<b>READY</b>	Ready (buffering) mode
	Recording
	Recording started by Axon Signal
	Axon Aware Live Streaming
	Recording started by gunshot detection
	Microphone off

Status Bar Icons in the field	Description
58%	Battery capacity
	Camera paired
	Lights off
<b>S</b>	Stealth mode on
<b>!</b>	Battery low warning (appears at the right of battery capacity)