



# Policy 1014

Subject

## VIDEO SURVEILLANCE PROCEDURES

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*By Order of the Police Commissioner*

### POLICY

It is the policy of the Baltimore Police Department (BPD) to utilize surveillance cameras for the purposes of deterring crime, aiding in apprehending suspects and protecting homeland security.

### GENERAL

The Closed-Circuit Television (CCTV) system is an investigative tool, capable of capturing real-time events. Footage captured by the CCTV system can be permanently stored as evidence on available media when requested within specified time frames.

The CCTV system is a series of fixed-positioned cameras strategically placed in locations throughout Baltimore City. The CCTV system operates on a preprogrammed tour, but the camera may be manually controlled. The CCTV system stores digital video up to 28 days.

### DEFINITION

**Video Surveillance** — Non-consensual interception of a CCTV broadcast which requires a court order.

1. The use of a video surveillance camera does not require a court order unless there is non-consensual interception of oral communication, or if the area of surveillance is not in public view and a reasonable expectation of privacy in the location exists.
2. The use of video cameras to monitor an area open to public view does not require a warrant or court order.

**Reviewing Entity** — CCTV personnel at the district, CitiWatch, Watch Center and/or the Homeland Security Division.

### REQUIRED ACTION

#### **Member**

1. Respond to reports of crimes/incidents, reported by members of CitiWatch, at the discretion of the Shift Commander.
2. Information provided by active sworn members, who have viewed crimes/incidents at CitiWatch, might constitute probable cause for an arrest.
3. Information provided by personnel other than active sworn members, who have viewed

crimes/incidents at CitiWatch, might constitute reasonable articulable suspicion to justify an investigatory stop of an individual.

3.1. Such investigatory stops may lead to an arrest only if:

3.1.1. Observations/Information obtained by officers at the scene of the investigatory stop furnish probable cause; or

3.1.2. An active sworn member views the video footage seen by the CitiWatch personnel, and that footage is sufficient to establish probable cause.

4. For all arrests made utilizing the CCTV system:

4.1. Write on the first line of the narrative before the property listing on the Incident Report (Form 08), Arrest Report (Form 407), and the Statement of Probable Cause in bold capital letters, "ARREST VIA CCTV," when applicable.

4.2. Ensure that a Video Retrieval Request (Form 371) is completed.

4.3. Submit the form to a reviewing entity within 24 hours of the arrest.

4.4. Indicate in the narrative of the Incident Report (Form 08) that CCTV evidentiary footage was requested and the results of the request.

4.5. Attach the goldenrod copy of the Video Retrieval Request (Form 371) to the Incident Report (Form 08).

5. For all other arrests:

5.1. Observe your surroundings and determine whether there are any CCTV cameras in the area of the arrest.

5.2. If necessary, contact a reviewing entity to verify whether there are any CCTV cameras located in the area of the arrest.

5.3. If a CCTV camera(s) is located at or near the area of the arrest:

5.3.1. Ensure that a Video Retrieval Request (Form 371) is completed.

5.3.2. Submit the form to a reviewing entity within 24 hours of the arrest.

5.4. Examine the video footage with the reviewing entity and verify whether the arrest and/or the conduct leading to the arrest was captured.

5.5. Indicate in the narrative of the Incident Report (Form 08) that CCTV evidentiary footage was requested as well as the results of the request.

5.6. Attach the goldenrod copy of the Video Retrieval Request (Form 371) to the Incident Report (Form 08).

6. To review footage of an incident potentially captured by the CCTV system:

- 6.1. Ensure that a Video Retrieval Request (Form 371) is completed.
- 6.2. Submit the form to a reviewing entity.
- 6.3. Examine the video footage with the reviewing entity and verify that the desired incident was captured by the CCTV system.
7. A Supplement Report (Form 07) must be completed when video evidence is obtained post arrest or as part of an on-going investigation.
8. Upon receipt, ensure video footage is submitted to the Evidence Control Unit.
9. If the video footage is for a non-evidentiary purpose or for an internal or confidential investigation, mark the appropriate box at the top of the Video Retrieval Request (Form 371). Ensure the form is authorized by your supervisor.

**NOTE:** Without a court order, only events within the public view may be monitored. Invasion of privacy is illegal and may be subject to criminal proceedings and disciplinary action.

### **Supervisor**

1. Ensure subordinates adhere to proper procedures when requesting evidentiary video footage.
2. Ensure a copy of the Video Retrieval Request (Form 371) is attached to applicable Incident Reports.
3. Have officers obtain CCTV video, if available, that potentially captures an accident involving a departmental vehicle. Once the footage is retrieved, submit a Video Retrieval Request (Form 371) for the camera that potentially captured the accident. Thereafter, forward the video to the Accident Investigation Unit (AIU).

### **Shift Commander**

Have officers respond to reports of crimes/incidents from CitiWatch personnel, based upon the severity of the reported crime/incident and the availability of shift personnel.

### **Chief, Legal Affairs Section**

Forward all subpoena/Public Information Act requests for video evidence to the Watch Center.

### **Chief, Homeland Security Division**

1. Upon receipt of the Video Retrieval Request (Form 371), ensure the video is transferred to the appropriate media.
  - 1.1. For each Video Retrieval Request (Form 371), except as outlined below, ensure four copies of the video are produced and disseminated in the following manner:
  - 1.2. One copy to the requesting member or the CCTV Liaison for submittal to the Evidence Control Unit.

- 1.3. Two copies to the CCTV Liaison for transmittal to the State's Attorney's Office.
- 1.4. One copy to be archived in the Watch Center.
2. For internal, confidential or non-evidentiary requests, ensure at least two copies are produced and disseminated in the following manner:
  - 2.1. One copy to the requesting member; and,
  - 2.2. One copy to be archived in the Watch Center.
3. Ensure the appropriate copy of the Video Retrieval Request (Form 371) is attached to each copy of the footage, as indicated on the Video Retrieval Request (Form 371).
4. Maintain a record of each request. The record shall include, but is not limited to:
  - 4.1. The requesting member's name, sequence number, assignment, date, time and location of incident, central complaint number and the name of the Watch Center personnel who transferred the video.
5. Ensure evidentiary video media, not otherwise submitted by officers/detectives, is submitted to the Evidence Control Unit by the CCTV Liaison.

**Commanding Officer, Evidence Control Unit**

1. Ensure submitted media/videos are safely stored in containers appropriate for the media used.
2. Retain video surveillance footage for the duration of the arrestee's sentence, including any consecutive sentence(s) and/or period of probation.

**Commanding Officer, Records Management Section**

1. Ensure the appropriate copy of the Video Retrieval Request (Form 371) is archived with a copy of the Incident/Supplement Reports.
2. Return any submitted Incident/Supplement Reports, which indicate evidentiary CCTV footage was requested, but do not have the copy of the Video Retrieval Request (Form 371) attached.

**RESCISSION**

Remove and destroy/recycle Policy 1014, *Video Surveillance Procedures*, dated 27 March 2015.

**COMMUNICATION OF POLICY**

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