

## **Rule 4.23 Digital Camera Surveillance System – Class A, Class A-2, Class A-7 Beer, Wine, and Liquor Licensed Establishments**

### **(a) Definitions**

- a. For the purposes of Rule 4.23, the following terms have the following meanings:
  - i. “Board” is defined as the Board of Liquor License Commissioners for Baltimore City and its employees.
  - ii. “Cash Register” is a machine used in places of business for regulating money transactions with customers. It typically has a till for cash, and it totals, displays, and records the amount of each sale.
  - iii. “Class A Beer, Wine, and Liquor License” is defined under Alc. Bev. Art. 12-901.
  - iv. “Class A-2 Beer, Wine and Liquor License” is defined under Alc. Bev. Art. 12-902.
  - v. “Class A-7 Beer, Wine, and Liquor License” is defined under Alc. Bev. Art. 12-902.1.
  - vi. “Cloud” is defined as a cloud computing model in which digital records are stored on remote servers accessed from the internet, or "cloud."
  - vii. “Conspicuous” is defined as easily seen or noticed; readily visible or observable.
  - viii. “Criminal Investigation” – is defined as an inquiry by the Baltimore Police Department into any alleged criminal activity.
  - ix. “Digital Surveillance System” is defined a system that provides continuous, 24-hour monitoring through High-Definition Cameras without audio recording capacity on the interior and exterior of the licensed premises.
  - x. “High-Definition Cameras” are defined as video cameras that record and produce digital footage that must meet or exceed the resolution of 1080 pixels (High Definition aka H.D. of Full High Definition aka F.H.D) which comes as a display resolution of 1920 x 1080 pixels.
  - xi. “Licensed Premises” for the purposes of this Regulation means not only the portions of the premises that are licensed to sell, distribute, and store alcoholic beverages, but the interior and exterior of the physical building or structure where the establishment is located.
  - xii. “Police Department” is defined as the Baltimore City Police Department.
  - xiii. “Digital Records” is defined as any and all video footage recorded by the Digital Surveillance System required to be installed by a license holder under this regulation.
  - xiv. “Temporary Waiver” is defined as a waiver issued to a license holder who purchased and installed a non-compliant surveillance system prior to October 1, 2020.
  - xv. “Till” is defined as the drawer of the cash register where the money is kept.

**(b) Authority of the Board**

- a. As per Alcoholic Beverages Article 12-1804.2, the Board is authorized to ensure that a Class A, Class A-2, Class A-7 Beer, Wine, and Liquor license holder shall maintain and operate a Digital Surveillance System on its licensed premises in accordance with this regulation.

**(c) Digital Surveillance System Requirements**

**a. Location of Digital Surveillance System**

- i. The High Definition Cameras must be placed in such a way that:
  - 1. The exterior of each entry way into the licensed premises is monitored; and
  - 2. The interior of each entry way into the licensed premises is monitored; and
  - 3. The cash register or till is monitored

**b. Appropriate Signage and Public Notification**

- i. Appropriate Signage
  - 1. A license holder required to install a Digital Surveillance System under this regulation, shall create a sign that states the following:

**“24-Hour Digital Surveillance System in Operation”**

**This Licensed Establishment is subject to 24-Hour Video Surveillance Monitoring on the Exterior and Interior of the Establishment**

- 2. Size of Sign and Font (See Exhibit #1 for example)
  - a. The sign must:
    - i. Be at least 8.5 x 11 inches in size
    - ii. Contain the text required under BLLR Regulation 4.23 (c)(b)(i)(1) in English and Spanish
  - b. The license holder required to post a sign under this regulation may meet the requirements of this subsection by creating its own signs, using a font size of not less than 48 points for title of the sign and a font size of not less than 36 points for the body text.
- ii. Notification and Posting
  - 1. A license holder required to install a Digital Surveillance System under this regulation, and create the appropriate signage under this regulation shall post the sign in a conspicuous location on both the interior and exterior on the licensed premises.

**c. Preservation of Records**

i. Preservation Requirement for License Holder

1. Digital Records produced by the Digital Surveillance System shall be retained by the license holder for not less than 14 days, but not more than 30 days.
2. Digital Records shall be maintained on the licensed premises or via the cloud using a service provider.
3. Digital Records must be maintained in accordance with standard video footage storage requirements
  - a. Examples of standard video footage storage formats, include, but are not limited to, MPEG-4 or higher, H.264, or HEVC/H.265.

**(d) Compliance**

**a. Registration, Verification, and Renewal**

i. Registration

1. A license holder required to install a Digital Surveillance System under this regulation shall register its Digital Surveillance System with the Police Department through its Citiwatch Program which can be accessed via the internet at: [www.citiwatch.baltimorecity.gov](http://www.citiwatch.baltimorecity.gov)

ii. Verification

1. The Board will verify that a license holder required to install a Digital Surveillance System under this regulation, has in fact installed and continuously operates such a Digital Surveillance System whenever an Inspector of the Board conducts a routine or compliance inspection of the licensed establishment, as per BLLC Standard Operating Procedure 3.03 (Routine Inspection Protocol) and 3.04 (Compliance Inspection Protocol)

iii. Renewal

1. Beginning January 1, 2021, a license holder required to install a Digital Surveillance System under this regulation shall along with and in addition to filing its application for renewal, which is due by March 31, of each license year, file a separate affidavit verifying its compliance with these rules and regulations (See Exhibit 2)

**b. Requests for Footage by Police Department**

i. Police May Request Digital Records from License Holders

1. The Police Department may request either verbally or in writing Digital Records from a license holder required to install a Digital Surveillance System under this regulation only in connection with a Criminal Investigation.

- a. Inadmissibility Clause** – Unless otherwise determined by a Court of competent jurisdiction, Digital Records

obtained by the Police Department, from a license holder required to install a Digital Surveillance System under this regulation, in violation of this regulation are inadmissible in a criminal proceeding

**ii. Provision of Video Footage to Police Department**

1. Digital Records provided to the Police Department by a license holder required to install a Digital Surveillance System under this regulation, shall be made accessible to Police Department via the internet (video cloud service provider), placement of local footage onto digital media such as a USB Drive, external or removable hard drive, or via DVD/Blu-ray.

**c. Waivers**

**i. Authority**

1. The Board may issue a Temporary waiver to a license holder, required to install a Digital Surveillance System under this regulation, who purchased and installed a non-compliant surveillance system prior to October 1, 2020.

**ii. Temporary Waiver**

1. If after January 1, 2021, the Board determines that a license holder, required to install a Digital Surveillance System under this regulation, who purchased and installed a non-compliant surveillance system prior to October 1, 2020, the Board may then:

- a. Grant a temporary waiver to the license holder, only until and not to exceed past, January 1, 2022 in order to come into compliance with this regulation.

**iii. Temporary Waiver Request**

1. To qualify for a Temporary Waiver Request under these Rules and Regulations, the license holder must make the request in writing, directed to the Board, and the request must contain the following:

- a. Address of Location
- b. Class of License
- c. Corporate Name of Establishment
- d. Trade Name of Establish
- e. Date of Request
- f. Request for a Temporary Waiver, to include
  - i. Details of current Digital Surveillance System Installed
  - ii. Plans to install a Digital Surveillance System that is compliant and verifiable with these Rules and Regulations by January 1, 2022

**iv. Review and Approval of Waiver**

1. Review of Waiver

- a. Upon receipt of the Temporary Waiver Request, the Board or his or her designee will review to determine the following:
  - i. Whether the request was made on behalf of a location that has been issued a valid alcoholic beverages license; and
  - ii. Whether or not the licensee has provided sufficient information concerning the current Digital Surveillance System installed; and
  - iii. Plans to install a Digital Surveillance System that is compliant and verifiable with these Rules and Regulations by January 1, 2022

2. Approval of Wavier

- a. If all criteria listed in the “Review and Waiver” subsection above are deemed sufficient by the Board or his or her designee, then the Board may approve the Temporary Waiver Request of the license holder only until and not to exceed past January 1, 2022

3. Copies of Request and Approval

- a. Copies of the license holder’s request and approval or disapproval will be placed in the license holder’s file.

**d. Penalties**

- i. Board has Authority to Issue Penalties for Violation of this Regulation
  1. In conjunction with Alc. Bev. Art. 4-604 and 12-2802 the Board is authorized to fine, suspend, and/or revoke the license of a license holder required to install a Digital Surveillance System under this regulation, after being found in violation of this regulation.