



## Cover Memorandum

### Records Management, JHPD Directive #210

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#### **Purpose of the Directive**

This Directive provides a framework for the Johns Hopkins Police Department (JHPD) to organize, maintain, and effectively manage access to physical and electronic records created by the JHPD and to meet the JHPD's obligation to comply with federal, state, and other legal requirements for records retention and destruction, as well as Johns Hopkins University (JHU)'s record retention and destruction schedule. In addition, this Directive outlines JHPD's release of critical incident recordings, responses to public requests for JHPD records, and legal process and its process for dissemination of records with JHPD and Johns Hopkins (JH).

#### **Summary of Directive Requirements**

This Directive will be utilized for the organization, maintenance, disposal, and release of JHPD's physical and electronic records. In addition, this Directive outlines the process for public release of critical incident related recordings, including body-worn camera (BWC) footage. The Independent Investigations Division (IID) of the Maryland Attorney General's Office investigates (and has criminal prosecutorial authority over) all police-involved incidents that result in the death of a person or injuries that are likely to result in the death of a person occurring in the State of Maryland (IID qualifying incident). This Directive stipulates that the Johns Hopkins Public Safety Accountability Unit (PSAU) will confer with IID for all public response and public release of records and recordings related to an IID qualifying incident, including BWC footage.

For non-IID qualifying critical incidents, the PSAU will handle the public release of all recordings. In general, pursuant to this Directive, the release of non-IID qualifying critical incident related recordings will occur no more than seven (7) days after the incident. There may be situations where more than seven (7) days are necessary, including, but not limited to: investigators needing more time to complete witness interviews, technical delays caused by the need to redact information that raises privacy or safety concerns, or allowing family members to view the recording before it is released to the public. If the release of recordings is delayed, the PSAU will notify the public that there has been a delay and state the reason for the delay.

This Directive also outlines the process whereby members of the public can request JHPD records and recordings. Pursuant to this Directive, members of the public seeking to obtain JHPD records, including BWC footage or other digital recordings, may make a request by submitting a written request for JHPD records to the JHPD's Public Information Officer (PIO) via the JHPD Record Request webform, or via mail directed to the PIO. All requests for JHPD records will be handled in accordance with MD Code, Education, §24-1210.<sup>1</sup> In addition, members of the public seeking to review a JHPD recording or record,

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<sup>1</sup> Pursuant to MD Code, Education, § 24-1210, JHPD shall allow a person or governmental unit to access information as a person or governmental unit would be able to access a public record of a law enforcement agency, under the Public Information Act (PIA), if the information is included in records that are created solely for

in which they are a person in interest, may request to do so at any time, via telephone, in person, in writing, or via the request for information form. A JHPD supervisor will obtain the recording or record and facilitate the review of the recording or record for the interested party.

This Directive explains the process for service of subpoenas, court orders, and civil suits related to the JHPD on JHU and individual members of the JHPD. It also discusses and sets forth the standards for requests for JHPD records within JHU and from other law enforcement agencies.

Finally, this Directive outlines the procedures for members of the JHPD to follow when they are served with civil process and how to request defense and indemnification from JHU.

### **Blueprint for the Policy Development Process**

The draft JHPD policies (hereinafter referred to as “directives”) shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD’s draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall’s Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police Department. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

**a. Publicly available policies from municipal police departments that have undergone substantial reform efforts**, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;

**b. National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations**, including: the Leadership Conference on Civil and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts’s “Racially Just Policing: Model Policies for Colleges and Universities”; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.

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law enforcement purposes or related to an arrest for a criminal offense and would be subject to disclosure under the PIA, if the information were in a record created by a law enforcement agency.

**c. National and local higher education institutions that are based in comparable environments and make policies publicly available**, including: Carnegie Mellon University; Morgan State University; Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community's public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



**POLICE DEPARTMENT**

**RECORDS  
MANAGEMENT**

**ADMINISTRATIVE  
PROCEDURE #210**

Responsible Executive:  
Chief of Police  
Responsible Office:  
Vice President for Public Safety  
Approved by:  
Dr. Branville G. Bard, Jr.  
Issued: [full date]  
Revised: [full date]

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**Policy Statement**

The Johns Hopkins Police Department (JHPD) records management program was established to organize, maintain, and effectively manage access to physical and electronic records created by the JHPD. The organization, retention, and appropriate disposal of records no longer legally or institutionally required will be completed according to applicable laws, Johns Hopkins University (JHU) policy, and this Directive.

In addition, this Directive sets the standards and criteria for the public release of video recordings that capture critical incidents involving JHPD officers. This Directive is intended to balance two important interests: the public’s interest in transparency and police accountability, and the privacy interests of the individuals depicted in such videos. The public has a strong interest in obtaining timely access to information, including video footage, regarding incidents where officers use lethal force and/or where a person has died or suffered a serious injury as a result of a police encounter or while in police custody. At the same time, the individuals who appear in these videos have a privacy interest which must be considered. These individuals include not only the involved individuals and the police officers, but also witnesses, bystanders, and the

persons upon whom force is used. There are considerations, such as preserving the integrity of related investigations, that may justify a delay or deviation from the standard procedure, and these considerations are also detailed in this Directive.

This Directive also outlines the process and procedures for public requests of JHPD records, service and response to legal process related to JHPD members and incidents and sharing of JHPD information with Johns Hopkins.

## Who is Governed by this Policy

All personnel, including sworn, non-sworn, and contractual or voluntary persons in service with the JHPD are governed by this Directive.

## Purpose

This Directive provides a framework for JHPD to organize, maintain, and effectively manage access to physical and electronic records created by the JHPD and to meet the JHPD's obligation to comply with federal, state, and other legal requirements for records retention and destruction, as well as JHU's record retention and destruction schedule. In addition, this Directive outlines JHPD's release of critical incident records, responses to public requests for JHPD records, and legal process and process for dissemination of records with JHPD and Johns Hopkins (JH).

## Definitions

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<b>Civil Complaint:</b>	A legal document that initiates a lawsuit and informs the person being sued of the claims against them. Typically, the person or entity that initiates the lawsuit is called the plaintiff and the person or entity that the lawsuit is against is called the defendant.
<b>Critical Incident:</b>	For purposes of this Directive, a critical incident includes any event in which a member uses force that results in hospitalization or death, discharges a firearm, strikes a person in the head with an impact weapon, or engages in a vehicle pursuit. In addition, it includes any in-custody serious injury or death, as well as the serious injury or death of a member while performing their JHPD duties. Critical incidents may also include situations in which a person who is suspected of a violent crime that poses an imminent danger to the public escapes or flees or there is an active assailant, hostage, or barricade incident on campus. Finally, critical incidents can include any other incident or complaint of misconduct that the JHPD Chief of Police designates as a critical incident.
<b>Independent Investigative Division (IID) qualifying incident:</b>	All police-involved incidents that result in the death of a person or injuries that are likely to result in the death of a person occurring in the State of Maryland.

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<b>Person in interest:</b>	A person that is the subject of the record or if the person has a legal disability, the parent, guardian, or other legal representative of the person.
<b>Member:</b>	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department (BPD), etc.).
<b>National Incident-Based Reporting System (NIBRS):</b>	The National Incident-Based Reporting System (NIBRS) is the national standard for law enforcement crime data reporting in the United States. NIBRS captures detailed data about the characteristics of criminal incidents, including: a broad array of offenses, types and amount of property lost, demographic information about victims, offenders, and persons arrested, and what type of weapon, if any, was used in the incident.
<b>Officer:</b>	All sworn police officers, at any rank, as defined by MD Code, Public Safety, §3-201, in service with the JHPD.
<b>Process Server:</b>	Notifies the person that a legal proceeding has been initiated against them by delivering documents such as subpoenas, summonses, and complaints.
<b>Record:</b>	Any documentary material in any form created or received by the JHPD.
<b>Recording:</b>	Audio and/or video recording of an incident.
<b>Service of Process:</b>	The way the person against whom a complaint is filed, often called the defendant, receives legal documents, and notice about a court case. The defendant must be served before the court will hear the case.
<b>Subpoena:</b>	A written command by the court ordering the named party to appear in court and/or to produce documents.
<b>Summons:</b>	A written notice, usually accompanied by a civil complaint, notifying a person and the court that the civil complaint has been served on all relevant parties and listing the date of the first scheduled court appearance.

## Policy

It is the policy of JHPD to properly organize, maintain, and effectively manage access to physical and electronic records created by the JHPD and to meet its obligation to comply with federal, state, and other legal requirements for records retention and destruction, as well as JHU's record retention and destruction schedule. In addition, JHPD will release critical incident recordings and respond to public requests for JHPD records and legal process, in accordance with all applicable legal requirements.

## Core Principles

- I. Transparency.** To promote transparency, it is the policy of the JHPD to release audio and video recordings of Critical Incidents involving the JHPD as long as such

disclosure does not jeopardize any ongoing law enforcement investigation. In addition, the JHPD shall respond to public requests for JHPD records, in accordance with the standards set forth in the Community Safety and Strengthening Act (CSSA). All releases shall be made in accordance with federal, state, and local law.

## Procedures

- I. General** (Commission on Accreditation for Law Enforcement Agencies (CALEA) 82.1.2, 82.1.3, 82.1.4, 82.3.6, 91.1.3)
- A.** Duties and responsibilities of the Records Management function include, but are not limited to:
- Managing and controlling access to the JHPD’s criminal, civil, and administrative records,
  - Maintaining distinctive designations, security, separation of, and access to adult and youth arrest related records,
  - Collecting and reporting crime related information consistent with the FBI’s NIBRS,
  - Consistent with the Clery Act, 20 USC §1092 (f):
    - Ensuring the agency’s crime log is compiled and published,
    - Compiling and reporting required crime, referral, and arrest information to the U.S. Department of Education, and
    - Retaining related records in accordance with JHU’s retention schedule.
  - Expunging and disposing of arrest records as required by law and the courts,
  - Retaining and disposing of records under control of the Central Records function consistent with the JHU’s records retention and destruction schedule, and
  - Disseminating records information to authorized persons and entities.
- B.** The Captain of Support Services is the official custodian of the JHPD’s records once they are uploaded or entered the JHPD’s records management system (RMS). These responsibilities include safeguarding official files and ensuring records are released consistent with applicable administrative and statutory requirements and following the JHU Retention Schedule Policy, [Records Retention and Destruction \(GOV029\)](#).
- II. Records Management System (RMS)** (CALEA 82.1.1.a, 82.1.1.b, 82.1.6, 81.3.3, 82.3.4, 82.3.5)

- A. The JHPD's RMS contains computer-aided dispatch (CAD), report writing, and other modules used to generate, approve, track, retain, and analyze information critical to the JHPD's mission.
- B. The RMS is:
  - Hosted and backed up within the JHU's secure server system,
  - Access controlled based on each member's individual access needs as determined by commanders, authorized by the Chief of Police, and set by the JHPD's internal system administrator,
  - Password protected by a system that requires passwords be periodically changed and conform to certain standards, and
  - Always accessible to authorized users from within JHU's network.
- C. Certain operational related records are stored or maintained outside the RMS. These records are described in directives that include, but are not limited to:
  - Investigative Case File Management, and
  - Criminal Intelligence & Homeland Security.

### **III. Field Reporting System**

- A. The JHPD's field reporting system is primarily contained in the case management module of the online RMS. A hard copy version of the field reporting system is in place for use only when the online system is unavailable or when otherwise directed by a commander. (CALEA 82.1.5, 82.2.1, 82.2.2, 82.2.3, 82.3.1, 82.3.2)
- B. Capabilities and contents of the case management system include, but are not limited to:
  - Record of every incident of:
    - Public complaints and crime reports,
    - Incidents that resulted in members being dispatched or assigned,
    - Criminal and noncriminal cases initiated by members, and
    - Arrests, citations, or summonses being issued.
  - Unique case numbers assigned to every case,
  - Instructions on when and how case reports must be written,
  - Computer applications and forms to be used in field reporting,
  - Information required in field reports,
  - Procedures for submitting, processing, training, and supervisory review, and approval of field reports, and
  - Indexed information that includes, but is not limited to:
    - All persons identified in reports,



- Case numbers,
  - Incident types,
  - Incident locations,
  - Stolen, found, recovered, and evidentiary property, and
  - Accounting for the status of all case numbers, reports, case assignments, follow ups, and dispositions.
- C. Other forms and reports required by other JHPD bureaus and sections will be used as required by those JHPD entities. These other forms and reports include, but are not limited to:
- Accident Investigation,
  - Missing Persons,
  - Animal Complaints & Bites,
  - Maryland Uniform Complaint and Citations, consistent with the Law Enforcement Manual and JHPD Directive #442, Traffic Control & Enforcement, and
  - Various charging and referral documents consistent with JHPD Directive #424, Arrests & Alternatives to Arrest and JHPD Directive #426, Interactions with Youth.

**IV. Access to Records** (CALEA 82.1.1.a, 82.1.1.b)

Records Management members will ensure that:

- A. Office space used to secure physical criminal history and other operational records is designated a restricted access area.
- B. Doors shall remain closed and locked except when authorized persons are accessing the records.
- C. Members with access privileges are responsible for controlling and authorizing access to the office.
- D. Other members are permitted to be in the records office only in the furtherance of agency business or activities that can only be conducted in the office and when they are admitted and escorted by members with access privileges.

**V. Records Dissemination** (CALEA 82.1.1.a, b, c, 82.2.4)

- A. Members of the JHPD who need documents kept in Records Management that are not otherwise available for printing from the RMS must request these records from the Captain of Support Services by email at least two business days in advance. The Captain of Support Services will ensure:
  - Records requests are promptly processed,

- Requesting members are promptly contacted if the records cannot be located or requests cannot be fulfilled,
  - Printed copies of the emails or JHPD records requests are retained in case files as dissemination records, and
  - The records commander is consulted when requests are not received within the required time limit.
- B.** Records Management members are responsible for the routine and timely distribution of various printed or electronic report copies within the JHPD, to appropriate JHU officials, and to various officials and criminal justice agencies outside the university.
- C.** The handling of requests from the public will be completed in accordance with MD Code, Education, §24-1210, and Section IX. Public Requests for Records & Recordings, of this Directive.

**VI. Criminal History** (CALEA 82.1.1.c, 82.1.7, 82.3.6)

- A.** Records Management will maintain online and hard copy records of each arrest. Records Management members will ensure that:
- Hard copy arrest folders are made, and arrest numbers are assigned for each person arrested.
  - The MD Criminal Justice Information System (CJIS) assigns a State Identification Number (SID) to each person whose arrest is reported to CJIS. SID numbers are person oriented, person specific, and are linked to that person for all subsequent arrests.
- B.** Records Management will ensure that criminal history record information (CHRI) is not released by JHPD members, except as authorized by statute and related directives. JHPD Records Management members may allow:
- People to inspect their own CHRI maintained by the JHPD.
  - Attorneys to inspect the CHRI of their clients who were arrested by the JHPD. The right to review local CHRI does not extend to making copies of the documents.
  - Local CHRI to be released when officers or agents from other criminal justice agencies request CHRI and delays in receiving the information from CJIS would unduly impede necessary action by requesting agencies or would violate or materially impair the substantive right of persons about whom the information is released.
  - Instances when such disclosure by Records Management members would be appropriate include, but are not limited to:

- State's Attorneys records checks for court,
  - Court Commissioners' inquiries relating to bail hearings, or
  - Requests from another law enforcement agency during the conduct of ongoing investigations.
- Military recruiters to review local CHRI only after they have applied to CJIS and have been authorized to obtain locally held CHRI.
  - Not allow private employers who request local CHRI to review it. Instead, they will be referred to CJIS.
  - Investigators from certain federal agencies without the investigators first obtaining CJIS authorizations to review local CHRI pursuant to the Security Clearance Information Act (SCIA), 5 USC § 9101. Records Management will maintain a current list of agencies covered by the SCIA.

## **VII. Youth Records** (CALEA 82.1.1.c, 82.1.2.a, e)

- A. Records Management will ensure that hard copies of youth reports and arrest records are stored in an area that is physically separated from adult incident reports and arrest records within Records Management, and comply with the following guidelines:
- The storage area for youth reports and arrest records shall always stay locked unless records members are performing related work with the files.
  - Arrest records of youth charged as adults are filed with adult arrestee records.
  - Records members assign a distinctive, person oriented juvenile identification number to each youth arrested. Youth are subsequently referenced by their juvenile identification number in any future arrests.
- B. Hard copy youth reports and arrest records will be removed from active youth files, stored separately when the youth reach the age of 18, and retained consistent with the JHU's records retention and destruction schedule.
- C. If youth records are kept fully in the RMS system, they shall be identified as confidential and access to them shall be restricted.
- D. Members shall adhere to MD Code, Courts and Judicial Proceeding, §3-8A-27 and Education, §7-303 for restrictions, permissions, and mandatory situations for the release or sealing of youth arrest record information.
- E. Members shall adhere to MD Code, Courts and Judicial Proceeding, §10-105 and §10-106 for conditions relating to the expungement of youth arrest records.

## **VIII. Public Release of Critical Incident Recordings and Reports**

The JHPD is committed to transparency and will make every effort to inform the public of critical incidents and to release critical incident recordings as soon as possible. While these procedures apply to the proactive public release of critical incidents recordings involving JHPD members, they do not in any way prohibit or preclude any member of the public from making a request to view or receive JHPD records or recordings, pursuant to the procedures in Section IX.

- A.** The Independent Investigations Division (IID) of the Maryland Attorney General’s Office investigates, and has authority to criminally prosecute, all police-involved incidents that result in the death of a person or injuries that are likely to result in the death of a person occurring in the State of Maryland (IID qualifying incident). Considering IID’s authority and responsibility, the JHPD and the Johns Hopkins Public Safety Accountability Unit (PSAU) will confer with the IID regarding all public response and public release of records and recordings related to an IID qualifying incident, including body-worn camera (BWC) footage.
- B.** For non-IID qualifying critical incidents, after consultation with BPD, the PSAU will handle the public release of all recordings. In general, the release of non-IID qualifying critical incident related recordings will occur no more than seven (7) days after the incident. In most instances, the public release of non-IID qualifying critical incident recording will occur in less than seven (7) days. The public release will typically be made via the public posting of the non-IID qualifying critical incident recording on JHU’s Public Safety website.
- C.** On the other hand, there may be a rare occasion when the non-IID qualifying critical incident recording cannot be released within the seven (7) day period, including when investigators need more time to complete witness interviews, technical delays caused by the need to redact information that raises privacy or safety concerns, or allowing family members to view the recording before it is released to the public. If the release of the recordings is delayed, the PSAU will notify the public that there has been a delay and state the reason for the delay.
- D.** In addition, to the extent possible, for non-IID qualifying critical incidents, the PIO will make an initial statement, after consultation with the Executive Director of PSAU, which may include any or all the following information:

  - The date, time, and location of the incident.
  - The type of call for service that led officers to the scene.
  - Information concerning injuries sustained by any persons and/or an officer, and whether any persons were transported to the hospital.
  - If any complaint was received, status, and type of investigation (ongoing/criminal/administrative)
  - Basic de-identified information regarding the age, race, duty assignment, tenure, and current administrative status of the officer(s) and involved

persons.

- E.** Upon completion of the initial public/media notifications, the PIO, in consultation with PSAU, may continue to provide periodic updates involving an ongoing community threat, investigative status updates, and outcomes.
- F.** Before the public release of a non-IID qualifying critical incident recording, PSAU shall consult with the BPD, in compliance with the Memorandum of Understanding (MOU) between the JHPD and the BPD, dated December 2, 2022, and the Baltimore City State's Attorney's Office (BCSAO) or any other relevant federal, state, or local law enforcement agency, if necessary.
- Any of these agencies may object to the release of a non-IID qualifying critical incident recording, pursuant to the process below, and may request to delay release of the recording. The PSAU will inform the relevant agencies of its planned release date at least forty-eight (48) hours in advance and will consider written delay requests during that forty-eight (48) hour interval.
  - If time permits, the PSAU will meet with the requesting entity to discuss the requested delay. Any request for delay must set forth with specificity in writing:
    - The length of the delay requested (not to exceed thirty (30) calendar days from the incident date),
    - The specific item(s) sought to be temporarily withheld, and
    - Reasons supporting the delay due to one or more of the following factors:
      - Interfering with a law enforcement proceeding,
      - Depriving someone of fair adjudication,
      - Unduly invading personal privacy,
      - Disclosing a confidential source,
      - Disclosing an investigative technique or procedure,
      - Prejudicing an investigation, or
      - Endangering a person's life or physical safety.
  - The decision to approve or deny the requested delay in the release of non-IID qualifying critical incident recording rests with the Executive Director of PSAU. If approved, the written request to delay release itself will be released to the public within the time period that the recording would have otherwise been released. If denied, the written request to delay release will itself be released to the public upon the denial.
  - Notwithstanding the number of requests for delay of the public release of the non-IID qualifying critical incident recording, the period of delay approved by the Executive Director of PSAU will not extend beyond the thirty (30) days from the date of the incident, unless it would substantially

interfere with the investigation of the incident or would be substantially likely to create witness safety concerns. At the end of the delay period, or if no delay is approved, the non-IID qualifying critical incident recording will be released to the public.

- G. Upon conclusion of a PSAU investigation of a non-IID qualifying critical incident, PSAU will publicly release the critical incident investigative report.
- H. At the direction of the Executive Director of the PSAU, the non-IID qualifying critical incident recordings may be blurred and muted and reports may be redacted prior to public release for privacy or legal confidentiality, including:
  - Nudity,
  - Sexual assault,
  - Medical emergencies,
  - Behavioral health crisis,
  - Victim interview,
  - A minor and any images or information that might undermine a youth, student, or patient related record confidentiality,
  - Personal and/or financial information,
  - Explicit or gruesome bodily injury, or
  - The interior of a home or treatment facility.

NOTE: this section does not establish any new rights to any third party regarding the release of JHPD recordings or records.

## **IX. Public Requests for Records & Recordings**

- A. Pursuant to MD Code, Education, §24-1210, the JHPD shall allow a person or governmental unit to access information as a person or governmental unit would be able to access a public record of a law enforcement agency, under the Public Information Act (PIA), if the information is included in records that are:
  - Created solely for law enforcement purposes, or
  - Related to an arrest for a criminal offense, and
  - Would be subject to disclosure under the PIA if the information were in a record created by a law enforcement agency.
- B. In addition, pursuant to MD Code, General Provisions, §4-311, all records relating to an administrative or criminal investigation of misconduct by a police officer, including administrative investigatory records, a hearing record, and records relating to a disciplinary matter, except for records related to technical infractions, shall remain confidential, but are subject to public disclosure upon request. All documents related to technical violations shall remain confidential and are not subject to public disclosure.
- C. Members of the public seeking to review a JHPD recording or record in which

they are a person in interest, may request to do so, at any time, via telephone, in person, in writing, or via the request for information form linked below. A JHPD supervisor will obtain the recording or record and facilitate the review of the recording or record for the interested party.

- D. Members of the public seeking to obtain JHPD records, including BWC footage or records related to misconduct may make a request by submitting a written request for JHPD records to the JHPD PIO via the Record Request webform, located on the Johns Hopkins Public Safety (JHPS) website under [Requests for Information](#) or in writing at:

JHPS  
c/o JHPD PIO  
1101 E. 33<sup>rd</sup> St.  
Baltimore, MD 21218

- E. All requests for records and recordings, regardless of the identity of the requester or form of the record (e.g., electronic, photograph, recording, audio, paper, etc.), received by the JHPD shall be immediately forwarded to the PIO, with a copy to Office of the Senior Vice President and General Counsel for JHU for review.
- F. Upon receipt of the record request, the PIO will log all requests and gather responsive records and recordings, unless the records are related to misconduct, in which case, after being logged, the request shall be immediately forwarded to the designated PSAU member to gather the responsive records and recordings.
- The PIO or PSAU member will make a preliminary determination as to whether the records or recordings are accessible to the public, pursuant to MD Code, Education, §24-1210 or MD Code, General Provisions, §4-311 and if so, any redactions that should be applied under the PIA or other applicable laws.
  - The PIO will then forward the records and the request to the Office of Senior Vice President and General Counsel for JHU for legal review to ensure compliance with MD Code, Education, §24-1210 or MD Code, General Provisions, §4-311, the PIA, and other applicable laws.
  - Upon completion of the legal review, and as soon as possible, within the most relevant PIA time periods, the PIO or PSAU member shall provide the records or recordings to the requester or issue a denial letter stating the reason the request was denied.

## **X. Court Orders for Records & Recordings**

- A. The PIO shall not accept service of subpoenas or court orders for JHU, Johns Hopkins Health System, JHPD personnel, and/or records or recordings, without direct authorization from the Office of the Senior Vice President and General Counsel for JHU.

- B. Upon receiving notice of a subpoena or court order for JHPD records or recordings, the PIO and any other JHPD member should immediately notify the Office of the Senior Vice President and General Counsel for JHU.
- C. All subpoenas or court orders for JHPD records shall be directed to JHU and shall be served on JHU's resident agent.
- D. When a subpoena or court order requiring production of JHPD records or recordings, including BWC footage, is served on JHU, a representative of the Office of the Senior Vice President and General Counsel will immediately notify the PIO.
- E. Upon notice and receipt of a copy of the subpoena or court order requiring JHU to produce JHPD records or recordings, the PIO shall immediately gather all responsive records or recordings and prepare a bates numbered copy of the original record or recording file for the Office of the Senior Vice President and General Counsel of JHU.
- F. The Office of the Senior Vice President and General Counsel will prepare the appropriate response to the subpoena or court order and handle the production of the records.
- G. The original file shall be returned or maintained in its original form, and a duplicate copy shall be retained by the PIO.
- H. Members shall direct all inquiries by an attorney (other than an Assistant State's Attorney or an Assistant U.S. Attorney) who is seeking information about a case (open or closed), documents, JHPD policies and procedures, personnel records (including disciplinary matters), or other similar requests to the JHU, Office of the Senior Vice President and General Counsel.
- I. Subpoenas requiring JHPD members to personally appear shall not be accepted by anyone other than the member identified, unless the member has specifically authorized the Office of the Senior Vice President and General Counsel to accept it on their behalf. Members shall not produce any records or recordings pursuant to a subpoena directed at them personally, as all records and recordings of the JHPD are in the custody and control of JHU, not the member personally.

## **XI. Release of Information within Johns Hopkins (JH)**

- A. Subject to limitations of state and federal law, information concerning JH affiliates shall be released when necessary and appropriate, and when needed as part of their job duties, to the following:
  - Vice President of Public Safety or designee, Chief of Police, and PIO,
  - Office of Hopkins Internal Audit,



- Student Affairs,
  - Office of Institutional Equity, Title IX coordinator,
  - Provost's Office,
  - The Senior Vice President and General Counsel, or designee, and/or
  - Human Resources
- Note: Any criminal history information should be redacted prior to internal JHU release
- B.** Information concerning JHU student, faculty, or staff will be provided to others within JHU upon approval by the Vice President of Public Safety and/or the Vice President and General Counsel, as necessary.
- C.** **Release of Information for Clery Act Compliance** - All release of information necessary for Clery Act compliance shall be in accordance with JHPD Directive #222, Clery Act Compliance.

## **XII. National Incident-Based Reporting System (NIBRS)**

The JHPD participates in the NIBRS. Each month compiled data is to be forwarded to the Maryland State Police (MSP) which acts as the state clearinghouse for the FBI. All information reported by the JHPD is incorporated into the annual NIBRS report and quarterly and annual reports distributed by the MSP.

## **XIII. Requests from other Criminal Justice Agencies**

- A.** Pursuant to the MOU between the JHPD and BPD, all criminal incident reports and traffic stop data will be provided to the BPD.
- B.** Records will be provided to another criminal justice agency when related to criminal or regulatory investigation and with approval from the Chief of Police and review by the Office of the Senior Vice President and Office of General Counsel for JHU.

## **XIV. Receipt of Lawsuits & Summonses**

Legal documents such as subpoenas, summonses, and civil complaints must be served directly upon the person to whom they are addressed, unless the member has designated the JHU Office of the Senior Vice President and General Counsel to accept service on their behalf.

### **A. Required Action**

- JHPD members shall not accept service of process of civil complaints, summonses, and/or subpoenas on behalf of other members or the JHU or the JHPD.

- JHPD members shall, respectfully and courteously, accept service of process of civil complaints, summonses, and/or subpoenas in which they are a named defendant or subject of the complaint, summons, or subpoena.
- JHPD members shall not evade service of civil complaints, summons, or subpoenas or attempt to frustrate efforts for service of process.
- JHPD members shall provide process servers with information regarding the member in question's assigned shift and the name of their direct supervisor, if asked.
- JHPD members shall not disseminate another member's home address, telephone number, or other personal information.
- Members may request the JHU Office of the Senior Vice President and General Counsel to accept service on their behalf.
- If a member receives service of a civil complaint, summons, subpoena, or other court process, they shall immediately notify their Lieutenant and, if related to their employment, follow JHU Policy Employee Indemnification and Defense (GOV015) to request defense and indemnification.

**B. Lieutenant/Commander Officer** – Upon notification that a civil complaint, summons, or subpoena exists for a subordinate, the Lieutenant/Commander shall, the Lieutenant/Commander shall:

- Make every effort to facilitate service of process of complaints, summonses, and subpoenas of members under their supervision.
- Where feasible, coordinate with process servers to arrange a date and time for successful service of the process.
- If necessary, order subordinates to appear at a designated time and place for service of process.
- Upon receiving notice of a civil complaint against any JHPD member, obtain a copy from the member and notify the Office of the Senior Vice President and General Counsel for JHU and forward to PSAU for investigation.

**C. PSAU-** The PSAU shall complete an inquiry into all civil complaints and suits against JHPD members in accordance with JHPD Directive #350, Complaints Against Police Personnel.

## Policy Enforcement

<b>Enforcement</b>	JHPD managers and supervisors are responsible for enforcing this directive.
<b>Reporting Violations</b>	Suspected violations of this Directive should be reported to the PSAU.

## Related Resources

<b>University Policies and Documents</b>
Administrative Procedure # 222, Clery Act Compliance Personnel Procedure #350, Complaints Against Police Personnel Operational Procedure #424, Arrests & Alternatives to Arrest Operational Procedure #426, Interactions with Youth Operational Procedure #442, Traffic Control & Enforcement JHU Policy ( <a href="#">GOV029</a> ) <a href="#">Records Retention and Destruction</a> JHU Policy ( <a href="#">GOV015</a> ) <a href="#">Employee Indemnification and Defense</a>
<b>External Documentation</b>
<b>Police Department Forms and Systems</b>

## Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			