



## Cover Memorandum

### Body-Worn Cameras, JHPD Directive #433

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

The purpose of this Directive is to provide guidance on the use of body-worn cameras (BWCs) by Johns Hopkins Police Department (JHPD) members.

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

This Directive establishes requirements regarding mandatory and prohibited recordings, data storage and retention, and review of Body-Worn Camera (BWC) footage by JHPD members. The provisions set forth in this Directive are grounded in the goals of promoting accountability, transparency, and community trust. Members who are issued a BWC shall use it in accordance with the provisions of this Directive, and all local, state, and federal laws. Violation of this Directive is cause for disciplinary action.

This Directive sets forth BWC guidelines, requirements, and responsibilities across the following key areas:

- **Mandatory Recording Requirements:** Members must activate their BWCs at the initiation of a response to a call for service or at the beginning of an encounter with a member of the public that is investigative or enforcement in nature. The Directive gives examples of investigative/enforcement encounters (e.g., calls for service, traffic/pedestrian stops, searches, arrests, pursuits, motorist assists). Members must also activate BWCs during an encounter that becomes confrontational, when operating a vehicle in emergency response mode, when present on the scene with prisoners/arrestees/suspects, when transporting a person detained, when following a medic/tow truck or other vehicle as part of a call for service, and when assigned to monitor a protest or demonstration.
- **Exceptions to Recording Requirements:** Members may deactivate BWCs if a witness, victim, or other individual wishes to make a statement during a voluntary interaction but refuses to do so on camera. Members are not required to activate BWCs when performing administrative functions as defined in the Directive. The Directive also discusses when members shall/shall not activate BWCs due to privacy concerns, such as inside medical facilities, during court proceedings, and inside private residences. The Directive states required actions members must take when deactivating BWCs per these exceptions.
- **BWC Maintenance/Operation/Audits:** The Directive lists requirements for officers, supervisors, the BWC Coordinator, and the Public Safety Accountability Unit with respect to maintaining BWC equipment, BWC positioning and operation, and routine audits of BWC footage.

- **Data Use, Retention, and Review:** The Directive lists prohibited uses of BWC data, including unauthorized copying/sharing/releasing of the footage, using footage to create a pool of mug shots or fillers in photo arrays, and using recordings to gather intelligence information based on constitutionally protected activities. The Directive states the retention schedule for BWC footage, which is consistent with state law and Johns Hopkins University (JHU) policies. The Directive also discusses who is allowed to view footage and when officers are permitted to review their recordings prior to making statements or writing reports.

### **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.
- 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

BODY-WORN CAMERAS

OPERATIONAL PROCEDURE #433

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

Johns Hopkins Police Department (JHPD) officers are required by Maryland’s Community Safety and Strengthening Act (SB793) to wear and use body-worn cameras (BWCs). BWCs are portable audio-visual recording devices that are designed to be worn on a person’s body and approximate the wearer’s point of view.

When implemented correctly, a BWC program can be an effective tool for promoting procedural justice. BWCs can help strengthen the community’s trust in police by holding officers accountable in their encounters with the public, demonstrating the agency’s transparency in its actions and operations, and objectively documenting critical incidents and evidence. JHPD’s BWC program shall be based on policies and procedures that are centered on these goals, and the agency’s use of BWCs shall be limited to legitimate law enforcement purposes only. When using BWCs, officers of JHPD shall balance the need to effectively document contacts with the public with legitimate privacy interests of the individuals they encounter. When in doubt, officers should record.

## Who is Governed by this Policy

All sworn police officers, as defined by MD Code, Public Safety, § 3-201 o in service with the Johns Hopkins Police Department are governed by this Directive.

## Purpose

The purpose of this policy is to provide guidance on the use of BWCs by JHPD personnel. This policy establishes requirements regarding mandatory and prohibited recordings, data storage and retention, and review of BWC footage by JHPD officers and the public. The provisions set forth in this policy are grounded in the goals of promoting accountability, transparency, and community trust. Officers 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.

## Definitions

<b>Activation:</b>	Pressing the “event” button twice to begin recording audio and video with the BWC.
<b>Administrative Investigative Functions:</b>	Investigations taking place where no citizen/police interaction is occurring, or likely to occur (e.g., querying computer databases, reviewing reports, etc.).
<b>Body-Worn Camera (BWC):</b>	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.
<b>Buffering Mode:</b>	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.
<b>Deactivation:</b>	Pressing and holding the “event” button for approximately four seconds to cease audio and video recording. Upon deactivation, the BWC will enter buffering mode.
<b>Dock:</b>	BWC charging and data transfer unit.
<b>Evidence.com:</b>	Online web-based digital media storage facility. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on assigned levels of security clearance.
<b>Livestream:</b>	When an officer’s camera is activated and recording, an authorized user may view that BWC footage in real-time via Evidence.com. Officers 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.
<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, etc.).

<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>Powered Off:</b>	Turning the BWC off. When powered off, the BWC cannot record audio or video, and the BWC is not in buffering Mode.
<b>Powered On:</b>	Turning the BWC on. The BWC will operate in buffering mode until activation or powering off.
<b>Routine Administrative Activities:</b>	Activity such as report writing, roll call, remote arrest processing, etc., not likely to result in citizen/police interaction or enforcement related activity.
<b>Stealth Mode:</b>	Pressing and holding the volume down button for approximately three seconds to cease LED light, display screen backlight, sounds, and vibration notifications on an officer's BWC.

## Policy

It is the policy of JHPD to utilize BWCs in a way that balances the need for documenting law enforcement contacts with the legitimate privacy interests of individuals. All recordings shall be captured, maintained, stored, viewed, and disclosed in accordance with the requirements of this policy, along with those set forth by the Maryland Police Training and Standards Commission (MPTC) and relevant federal, state, and local laws. JHPD's BWC system is also subject to the requirements of its Memorandum of Understanding (MOU) with the Baltimore City Police Department (BPD). (Commission on Accreditation for Law Enforcement Agencies (CALEA)) 41.3.8.a)

## Core Principles

- I. **Trust, Accountability, and Transparency.** The primary goals of JHPD's BWC program are to strengthen the community's trust in police by promoting accountability of JHPD officers and demonstrating JHPD's commitment to transparent operations. These goals can be furthered through the proper and consistent use of BWCs to document officers' contacts with the public, as well as any enforcement and investigative activities.
- II. **Privacy Protection and Data Integrity.** There are times when BWCs can capture private and sensitive data. If these recordings are intentionally or inadvertently released to non-authorized individuals, it could erode community trust, put members of the public in danger, jeopardize prosecutions, and result in a grave invasion of privacy against those involved. Therefore, JHPD officers must take extreme care to ensure that BWC data is stored, reviewed, and released according to this policy and all relevant laws and regulations. Once BWC footage is captured, an officer may not alter it in any way or view it unless specifically authorized under this policy.
- III. **Documentation of Incidents and Events.** BWCs can be valuable tools for objectively documenting and preserving critical incidents and evidence at a scene. When done in a manner consistent with this policy, officers can use BWCs to document victim and witness statements and capture items and activity observed by the officer at the scene. This can help strengthen investigations and prosecutions, and it can also assist in the accurate disposition of use-of-force and misconduct allegations.

**IV. Public Interest.** JHPD must balance legitimate privacy and investigative concerns against the need for agency transparency when determining how to release BWC footage in accordance with relevant public disclosure laws. When not otherwise prohibited by this policy or relevant law, officers are permitted to use their BWCs to record in circumstances when they determine that doing so would be beneficial to the public interest.

**V. Limitations.** Despite the many advantages that BWCs can provide, this technology has some limitations. BWCs cannot always capture everything that occurs during an incident, such as activity or events that cannot be seen by the camera. Additionally, BWC recordings do not necessarily reflect the experience or state of mind of the individual wearing the BWC at the time of the incident, and the video may not accurately capture what exactly the officer is seeing. There are also several technical factors that can impact the quality of BWCs recordings, such as the lighting at the scene, the resolution of the video, and the fact that the camera can only produce two-dimensional recordings.

## Procedures

### I. General

- A. Officers may only use JHPD-issued BWCs while on duty. The use of personally-owned recording equipment while on duty or in secondary employment is prohibited.
- All data images, video, and metadata captured, recorded, or otherwise produced by the BWC are the sole property of JHPD.
  - The use of the JHPD-issued BWC while off-duty is prohibited.
- B. Upon receiving the required training, all JHPD police officers will be assigned a BWC to use while in the performance of their duties.
- Detectives and plainclothes officers, as well as officers whose primary duties are administrative, shall be exempt from the BWC requirement unless:
    - o The officer anticipates participating in enforcement activity (e.g., serving or executing an arrest warrant);
    - o The officer is detailed to work a uniformed assignment where interaction with the public is occurring or is likely to occur; or
    - o The officer is directed to wear the BWC by a permanent-rank supervisor.
- C. Violation of this Directive is cause for disciplinary action.

### II. Mandatory Recording Requirements (CALEA 41.3.8.b)

Except in the situations outlined in Section III below, all officers must activate their BWCs in the following circumstances:

- A.** When involved encounters including, but are not limited to:
- Field Interviews
  - Dispatched calls for service
  - Traffic and pedestrian stops
  - Searches
  - Vehicle and foot pursuits
  - Arrests
  - Service of a search and seizure or arrest warrant
  - Motorist assists
  - Advisements of *Miranda* rights
  - Self-initiated activity in which an officer would normally notify Communications
  - Uses of force
  - Interviews or taking statements from suspects, witnesses, and victims unless otherwise being recorded (e.g., in an interview room with audio-visual recording capabilities)
  - Any other situation that an officer, by reason of training and experience, determines should be documented on videos
- B.** When operating a vehicle in Emergency Response Mode (emergency lights and siren activated).
- C.** When attempting to conduct a stop (e.g., traffic stop, bicycle stop, or person), officers shall activate the BWC immediately upon obtaining reasonable suspicion for the attempted stop or if responding to provide back-up for another officer.
- D.** When present on the scene with prisoners, arrestees, suspects, or any other people who have been stopped by officers.
- This requirement applies regardless of whether the officer is part of the primary unit on the scene.
- E.** When transporting a person in custody, regardless of whether the transport vehicle is equipped with a Transport Vehicle Camera (TVC) System.
- F.** When following a medic, tow truck, or other vehicle as part of a continuation for an investigation or call for service.
- G.** When any member of the public raises any concern or complaint or when any interaction becomes confrontational, enforcement-related, or investigatory in nature.



### **III. Exceptions to Recording Requirements** (CALEA 41.3.8.b)

- A.** Officers shall not activate their BWCs for the sole purpose of recording individuals who are engaged in acts of expression protected by the First Amendment, e.g., people who are lawfully exercising their freedom of speech, press, association, assembly, religion or the right to petition the government for redress of grievances. This prohibition does not preclude use of BWCs for situations while the officer is otherwise addressing potentially unlawful activity or the BWC is engaged pursuant to one of the requirements set forth as described above in Section II. Furthermore, BWCs shall not be used for systemic, indiscriminate tracking of individuals, wide-scale monitoring, or unauthorized surveillance.
- B.** When victims, witnesses, or other individuals wish to make a statement or share information during a voluntary interaction or contact with officers but refuse to do so while being recorded, officers may deactivate the BWC in order to obtain the statement, engage in the contact or obtain information. However, officers should consider the evidentiary value of the recorded statement when deciding whether to take a statement or obtain information and properly document the deactivation of their BWC:
- When practicable, officers shall consult with supervisors, and get approval, before making the decision to deactivate their BWCs in situations that are enforcement or investigatory in nature. Approval is not needed when the information is for community engagement purposes.
  - The refusal should be stated on the video by the individual before the video is turned off, and the reason for turning off the camera should be documented in the officer's report.
  - If the encounter begins when the BWC is not actively recording, the officer may temporarily activate the BWC for the sole purpose of documenting the person's request they not be recorded.
- C.** An officer 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).
- D.** An officer is not required to activate their BWC during a voluntary contact that is part of a community engagement event or community engagement contact that has been pre-approved by their supervisor.
- E.** Inside a healthcare facility, officers 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 that is investigative or enforcement in nature, including any on-view enforcement activity or response to calls for service.

- Officers shall be aware of patients' rights to privacy when in a healthcare setting and shall not record patients during medical or psychological evaluations, procedures or treatments. When recording in healthcare facilities, officers shall avoid recording persons other than the person of interest, or recording medical documents or records.
  - However, as in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, the officer shall activate the BWC in advance of the encounter or as soon as reasonably practicable.
- F.** Officers shall not activate the BWC to record any court proceedings unless confronting a violent or assaultive person, in an anticipated use of force instance, or when directed to take enforcement action by an agent of the court.
- G.** When entering a private residence, the officer must tell the resident, in plain language, that the resident has the right to have the camera turned off. The resident must provide on-camera consent to record inside the residence.
- H.** Officers may power off their BWC when investigating bomb threats or suspicious packages under the same circumstances where utilization of the JHPD radio is prohibited due to concerns that radio transmissions or BWC Bluetooth transmissions could potentially cause a detonation. Officers must immediately power on the BWC when safe to do so.
- I.** Prior to conducting a strip search, officers shall advise the person being searched while the BWC is activated that the BWC is recording. The officer shall then ask the individual if they want the search to be recorded on the BWC, or if they wish to have the BWC to be deactivated during the search to respect privacy.
- If the person asks for the BWC to be deactivated, the officer shall memorialize this request on the BWC, deactivate the BWC, and then conduct the search.
  - Once the strip search is complete and the person has dressed, the officer shall activate the BWC immediately to record the rest of the encounter.
  - If the person wishes that the BWC remain activated during the search, or if the person does not respond, the officer shall maintain BWC activation during the search.
- J.** In those extremely rare circumstances where a reasonable officer would determine that it is impossible, impractical, or unsafe to activate their BWCs under the circumstances that the officer encounters, then officers should activate their BWCs at the earliest moment at which activation becomes possible, practical, or safe, consistent with the requirements of Section II of this policy.
- K.** An officer who does not activate the BWC as directed by this Directive shall document the reason that the BWC was not activated as possible after the incident concludes, and submit the report to the officer's supervisor by the end of the officer's tour of duty. Upon review, the supervisor shall enter into BlueTeam.

- L. An officer who interrupts or terminates a BWC recording in progress shall document the reason that the BWC was interrupted or terminated as soon as possible after the incident concludes, and submit the report to the officer's supervisor by the end of the officer's shift. Upon receipt, the supervisor shall enter into BlueTeam.
- M. **Prohibited Recordings** - An officer shall not activate the BWC to record:
- JHPD members performing Routine Administrative Activities or engaging in private conversations.
  - Non-work-related personal activity.
  - In places where individuals unrelated to the matter are present and would have a heightened expectation of privacy, such as a public locker room, changing room, restroom, or a doctor's or lawyer's office.
  - Situations that could compromise the identity of confidential informants and undercover operatives.
  - Legally-privileged communications (e.g., attorney/client, doctor/patient, etc.).
- N. **Ending the Recording** - Once recording with a BWC has been initiated, officers shall not end the recording until:
- The event or encounter has fully concluded, meaning that no additional engagement, investigative or enforcement action is anticipated;
  - The officer leaves the scene and anticipates no further involvement in the event;
  - A supervisor has authorized the recording to cease because the officer is no longer engaged in an encounter, enforcement, or investigative activity; or
  - The officer is expressly authorized under this policy to deactivate the BWC.
    - o NOTE: When in doubt, officers shall continue to record the interaction if it is reasonable to do so.
  - Prior to deactivating the BWC pursuant to one of the exceptions described above, the officer shall state orally into the BWC the reason for deactivation.

#### IV. **Required Action**

- A. **BWC Maintenance and Battery Life:** Prior to beginning each shift, officers shall perform a function and battery test of the BWC in accordance with the manufacturer's recommendations and JHPD policy. The purpose of this test is to ensure the BWC is in working order and the battery is fully charged. (CALEA 41.3.8.e)

- Officers shall routinely monitor the battery level and status of the BWC during their tour of duty.
- If the status bar indicates that a battery is below 33%, officers should charge the BWC immediately. If the battery status bar is critically low, charge the BWC immediately, or contact the on-duty supervisor and request to be issued a replacement.
  - o NOTE: Officers 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 officer must immediately 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 officer's shift.
- When an officer learns that their BWC is lost, stolen, or malfunctioning, the officer shall:
  - o Immediately report the lost, stolen, or malfunctioning BWC to a supervisor in writing, and
  - o Respond to the BWC Coordinator to be issued a replacement BWC.
- Officers shall not dismantle, tamper with, or attempt to repair any hardware or software component of the BWC.

**B. Wearing the BWC:**

- Officers shall wear the BWC on the officer's outermost garment, at chest level, which is the best position to maximize the BWC field of view and facilitate ease of BWC operation.
  - o Officers shall never utilize their BWC as an off-body surveillance tool.
  - o Officers shall not intentionally obscure the view of their BWC.
- Officers shall ensure that the BWC is powered on at all times while worn.
- Officers shall pair the BWC with the Axon mobile application downloaded on their departmental phone. Officers shall not use the phone to view BWC footage except as authorized in this Directive.

**C. Notice of BWC Recording:** Officers shall notify, as soon as practicable, the recorded person that they are being recorded, unless it is unsafe, impractical, or impossible to do so, by stating: "Hello, I am Officer \_\_\_\_\_ of the Johns Hopkins Police Department. I am advising you that our interaction is being recorded."

- D. Automatic Activation:** BWCs are paired with a Signal Sidearm wireless device that is housed on the officer's firearm and CEW (Conducted Electrical Weapon) holsters. When the officer's firearm or CEW is drawn from their holster, the Signal Sidearm will automatically activate the officer's BWC.
- Officers 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.
  - The Signal Sidearm device may be deactivated prior to an officer un-holstering their firearm and CEW for administrative purposes. Officers shall reactivate the Signal Sidearm device if the administrative unholstering occurs while the camera is still powered on.
  - BWC activations triggered by the Signal Sidearm will be audited in Evidence.com. Officers will Deactivate their BWC manually following an automatic activation as directed by the "Ending the Recording" section of this policy.
  - Officers shall memorialize accidental activations (e.g., administrative un-holstering without deactivating the Signal Sidearm) verbally in the officer's BWC and associated footage shall be titled as an accidental activation.
    - o Officers may seek deletion of that footage following the procedures found in the section "Deletion of Accidental or Mistaken Recordings" of this policy.
  - BWCs are also equipped with gunshot detection. An officer's BWC will automatically activate when the camera detects a firearm discharge within three feet of the officer.
- E. Uploading, Categorizing, and Titling BWC Data:** The officer is responsible for uploading all BWC data by the conclusion of the officer's tour of duty.
- Prior to the end of the officer's tour of duty, the officer shall ensure the data is categorized and titled with the following information:
    - o 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# \_\_\_\_\_)
    - o The category of the video shall indicate the type of incident (e.g., Accidental, Arrest/Must Appear, Call for Service, Car Stop, Self- Initiated, Training, Restricted, etc.);
  - JHPD recognizes that circumstances may arise that prevent the download of recordings at the end of the officer's shift (e.g., late calls, device malfunctions, etc.). In those cases, officers will advise their supervisors of the delay and download the recordings during the next shift or as directed by their supervisor. The reason for the delay shall be documented in writing.

- F. Reporting Requirements:** Officers must state if BWC data exists at the beginning of the narrative of any incident report, charging document, investigative report, or supplemental report.
- Officers must document in writing any non-recorded event that should have been recorded under JHPD policy, as well as any interruptions or terminations of recordings.
- G. Supervisors:** Supervisors shall ensure that officers equipped with BWCs are utilizing the BWC in accordance with JHPD Directives. In addition, supervisors shall:
- Periodically inspect issued BWCs to ensure proper operability per testing protocols.
  - Periodically conduct reviews of BWC footage per the protocols described in Section VI(H) of this Directive.
  - When an incident arises that requires the immediate retrieval of a BWC digital recording, respond to the scene to secure the officer's BWC and maintain a chain of custody. The supervisor is responsible for uploading and labeling the recording and shall maintain possession of the officer's BWC until this is complete. Such incidents may include:
    - o Any time the Independent Investigative Division (IID) of the Office of the Attorney General for Maryland responds to investigate an incident;
    - o A use of force review for all officers present during any incident involving a use of force (See JHPD Directive #407, Use of Force Reporting, Review, and Assessment); and
    - o Any other time at the discretion of a supervisor not involved in the incident.
- P. BWC Coordinator:** The BWC Coordinator is responsible for:
- Granting officer access to Evidence.com;
  - Arranging for equipment repairs;
  - Assisting with the development of training materials and providing technical support;
  - Providing copies of recordings when properly authorized;
  - Providing copies of recordings to outside agencies/individuals when authorized;
  - Proactively grouping daily arrest videos together for electronic case files;
  - Providing copies of BWC audits when properly authorized;
  - Reviewing daily BWC footage for violations (e.g., failure to record or late activations), and forwarding to the officer's supervisor and Public Safety Accountability Unit (PSAU); and

- Authorizing the appropriate personnel for Livestream and GPS (Global Positioning System) access.
- Q. BWC Unit:** The Public Safety Accountability Unit (PSAU) shall conduct periodic, random reviews and audits of BWC video to assess whether the officer's activity was conducted consistent with law and JHPD Directives.
- Periodic reviews will be conducted by the PSAU according to the following procedure:
    - o The PSAU selects 3 officers from a shift at random who were working 3 consecutive days.
    - o BWC video from those officers are then matched with CAD (Computer Aided Dispatch) and In Pursuit data to confirm whether the officers responded to those calls.
    - o If there is no video from that officer, the PSAU will investigate other videos associated with the incident to view the officer's actions.
    - o Any violations (e.g., not activating camera, not titling video, late activation, etc.) will be sent to PSAU for review.
  - The PSAU will perform at least one (1) audit per week.
  - Violations of JHPD Directives, violations of law, and any activity which may bring discredit to the officer or the JHPD shall be reported to the Director, PSAU.
  - Results of the reviews shall be provided to the Chief of Police, and will be used to assess:
    - o Officer performance
    - o Training and equipment needs, and
    - o Consistency between written reports and recording.

## **V. Data Use, Retention, and Review** (CALEA 41.3.8.d)

- A. Prohibited Uses of Data:** The following actions are prohibited except as authorized by JHPD policy or express authorization of the Chief of Police or their designee:
- o Copying, sharing, releasing, altering, erasing, or allowing unauthorized viewing of an agency video recording (or portion thereof).
  - o Uploading any BWC recording onto any unauthorized computer, device, drive, DVD, or any other format.
  - o Using an external recording device to copy or record BWC footage when the footage is displayed on another computer or device.

- o Downloading, converting, or accessing any BWC recording for any type of personal use.
  - o Uploading recorded BWC data onto public and social media websites.
  - o Sharing any BWC log-in credentials with any other person.
  - o Allowing the public to review BWC video while in the field.
  - A BWC recording of a constitutionally-protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
  - BWC recordings shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion. (See JHPD Directive #486, Assemblies, Demonstrations and Disruption of Campus Activities.)
- B.** The stored video and audio data from a BWC may not:
- o Be used to create a database or pool of mug shots;
  - o Be used as fillers in photo line-ups;
  - o Be used for any commercial purpose; or
  - o Be searched using facial or voice recognition software.
- C.** No BWC shall be equipped with, or have its video footage or other data subjected to, facial recognition or any other form of biometric analysis. No video footage or other BWC data shall be subjected to any other form of automated analysis or analytics unless:
- A judicial warrant providing authorization is obtained;
  - The judicial warrant specifies the precise, previously-recorded video recording or body camera data to which the authorization applies; and
  - The authorizing court finds there is probable cause to believe the video footage or body camera data contains evidence that is relevant to an ongoing criminal investigation.
    - o This subsection does not prohibit JHPD from using recognition software to analyze the recording of a particular JHPD incident when supervisor or above has reason to believe that a specific person in need of assistance may be subject of a particular recording.
- D. Data Storage & Retention:** All original BWC recordings are the property of JHPD and shall be securely stored and maintained through Evidence.com.
- JHPD shall maintain a log that documents any time that data is viewed, copied, or edited, and by whom.
  - BWC recordings shall be retained according to a retention schedule that is consistent with state law and JHU (Johns Hopkins University) policies, as follows:



- o JHPD shall retain an unedited original version of all BWC recordings for a minimum period of four years.
  - o If the incident captured in the BWC recording results in a preservation request, civil litigation, complaint against personnel, PSAU investigation, or criminal charges or is otherwise relevant to a criminal, administrative or compliance investigation, the footage should be retained for at least one year following the conclusion of the matter, including appeals.
  - o System recordings will be automatically deleted when the retention period is completed unless held in a case for specific investigatory or judicial purposes.
- In the event of an accidental or mistaken activation of the BWC where the resulting recording has no investigative or evidentiary value, officers may submit a request for deletion to their immediate supervisor for approval/disapproval. The request must be in writing and document the circumstances of the unintentional recording.
    - o 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.
    - o Deletion requests of footage that depicts policy violations or misconduct shall not be approved.
    - o If the BWC Coordinator concurs that the recording has no evidentiary value, the BWC Coordinator shall forward the request for review.
    - o If the Director, PSAU concurs that the recording has no evidentiary value, Director, PSAU shall approve the request and forward it to the Director, Information Technology, to delete the recording.
    - o A copy of the deletion request shall be maintained by the BWC Coordinator.
  - NOTE: Deleting footage can expose police agencies 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.

## **VI. Reviewing Recordings**

- A.** Access to BWC recordings shall be granted to authorized personnel only. Accessing or reviewing the recordings for any reason other than those stated in this policy is strictly prohibited, except as otherwise required by state and federal statutes, or JHPD or university policies, and procedures.
- B.** Where not otherwise prohibited by this policy, officers may view BWC data from their own assigned BWC for reasons that include but are not limited to:
- Assisting in writing a complete and accurate report regarding routine matters
  - Assisting in the preparation of other official documents
  - Assisting with court or administrative hearing preparation
  - Review of evidence for court or administrative hearings
  - Review of victim/witness/suspect statements
  - Review of crime scene observations
  - Prepare a statement of charges
  - Clarifying observations at the scene of an incident.
  - Testimony and evidence in court or administrative proceedings
- C.** An officer must document in their written reports whether they reviewed BWC data of the incident from their own BWC or the BWC of another officer and the date and time that they reviewed each.
- D.** Officers shall not view any BWC recordings prior to completing any required initial reports, statements, interviews, or interrogation regarding the recorded event where force was used or that resulted in a complaint against personnel or PSAU investigation, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.
- E.** Officers who are involved in an incident that triggers a duty to (a) receive or assist in the taking of a public complaint against an officer or (b) notify their supervisor or PSAU of actual or alleged officer 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, without authorization from the Director, PSAU, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.
- o NOTE: Examples includes circumstances in which (a) the officer is under a duty to report potential officer misconduct (including their own) in connection with activity recorded on the BWC, (b) the officer forwarded a completed complaint form to the officer's chain of command to PSAU, or (c) the officer's supervisor responded to the scene and either took a public complaint or made a complaint of their own.

**F.** In addition to the above, officers who are officially notified that they are under investigation and have received a Notice of investigation may not subsequently view any BWC footage of the incident under investigation. This access restriction shall remain in place throughout the investigation.

**G. Review by Supervisors:** Supervisors may review and/or copy BWC data capturing the performance of an officer under their command for the purpose of:

- The purposes listed for officers in this directive;
- Conducting an investigation or use of force review (e.g., misconduct, supervisor complaint, vehicle accident, civil claims, etc.);
- Monitoring a subordinate's professional conduct/performance;
- Early intervention inquiries;
- Training;
- Advancing the best interests of the public, JHPD, or the officer; and
- For other articulable reasons expressly authorized by the Chief of Police

**H. Required Supervisory Review:** A supervisor shall review the BWC data of an officer(s) under their supervision when:

- The officer or another officer is injured or killed during the performance of their duties;
- There is a reportable use of force by the recording officer or another officer;
- The officer 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;
- The officer has informed the supervisor they believe that the event may result in a complaint;
- Arrests;
- Citations;
- Vehicle pursuits;
- Vehicle stops; and
- Vehicle accidents.

**I. Livestreaming**

An officer'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. Supervisory personnel shall be assigned Livestream permission and may use Livestream BWC footage in order to assist an officer, to deploy additional resources, or to check for compliance.

- Instances where a supervisor may Livestream a BWC include, but are not limited to:
    - o Monitoring a pre-planned event, such as commencement;
    - o At an officer's request;
    - o During community engagement interactions;
    - o An ongoing critical incident (e.g., firearms discharge, hot pursuit);
    - o A hostage/barricade situation; and
    - o Active assailant situations where command requires multiple viewpoints to coordinate a safe response
  - The details of all access to the Livestream feature are automatically recorded in the Audit Log of any corresponding BWC recording(s).
  - Supervisors shall not Livestream the BWC of officer under their command, unless it is for one of the instances identified above, operationally necessity, or for compliance reviews.
    - o NOTE: While the Livestream feature is a tool for supervisors to assist officers, its use shall not preclude the responsibilities of supervisors to respond to an incident and/or notify additional resources as required by JHPD policy.
- J.** An officer's BWC includes GPS functionality, allowing the officer's location to be visible on a map and available for authorized users when the BWC is activated. Supervisors may review the GPS data in real-time from a subordinate's BWC.
- K. Review by Commanders & Managers:** The Chief and Deputy Chief of Police, Commanders, and Captains, may access all BWC recordings and audit trails, including restricted recordings. They may access recordings for the following purposes:
- Ensure the efficient and lawful day-to-day operations of JHPD
  - Identify training needs
  - Incident critiques
  - Complaint response and review
  - Staff inspections
  - Internal affairs investigations
- L. Review by Other Personnel:** BWC recordings may be accessed and reviewed by the following personnel:
- Investigators assigned to the PSAU may review and/or copy BWC data from any officer's BWC.
  - Officers 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.

- Officers of the Public Safety Training Section may request and review BWC data for training purposes;
- Officers of the BWC Unit may request and review BWC footage in order to conduct regular audits and inspections, as described in the “Body-Worn Camera Unit” section of this policy.
- Officers of the PSAU may request and review BWC footage for the purpose of responding to public requests for disclosure.
- Technical support staff may review for the purposes of assessing the proper functioning of BWCs.
- Members of the Johns Hopkins Office of General Counsel or, upon approval by the Chief of Police, other Johns Hopkins staff for purposes of an administrative investigation, such as the Office of Institutional Equity or the Office of Internal Audits.
- Members of the Office of the State’s Attorney, United States’ Attorney’s Office, Attorney General’s Office, or other prosecuting authority may request and review BWC footage for purposes of investigation leading to possible prosecution.

## **VII. Public Disclosure of BWC Recordings**

Members of the public wishing to obtain BWC footage may make a request for BWC footage by submitting a request for JHPD records related to law enforcement activities to the JHPD public information officer, pursuant to JHPD Directive #210, Records Management.

## **VIII. Training**

All JHPD officers shall receive departmental-approved training on BWC policies and operation prior to being issued a device, and then on an ongoing annual basis. (CALEA 41.3.8.f)

- A.** Initial and annual training must include:
- The proper use and care of BWC equipment
  - Mandatory, permissible, and prohibited uses of BWCs
  - Legal guidance and updates pertaining to recording devices
  - Relevant JHPD policies and federal, state, and local laws
  - Alternative methods for delivering effective notifications of recording to persons with special needs or limited English proficiency;
- B.** Additional training outside of the annual training shall be conducted if:
- Deficiencies are identified in the use of BWCs
  - New BWC equipment or technology is adopted by JHPD

- There are changes to applicable BWC laws or policies

## Policy Enforcement

<b>Enforcement</b>	Police Department managers and supervisors are responsible for enforcing this Directive.
<b>Reporting Violations</b>	Suspected violations of this directive should be reported to the Public Safety Accountability Unit.

## Related Resources

<b>University Policies and Documents</b>
Administrative Procedure #210, Records Management. Operational Procedure #407, Use of Force Reporting, Review, and Assessment Operational Procedure #486, Assemblies, Demonstrations, and Disruptions of Campus Activities
<b>External Documentation</b>
<b>Police Department Forms and Systems</b>

## Contacts

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