



## Cover Memorandum

### In-Car Camera System, JHPD Directive #438

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#### Purpose of the Directive

The purpose of this Directive is to establish policies and procedures regarding the use of in-car cameras (ICCs) by the Johns Hopkins Police Department (JHPD).

#### Summary of Directive Requirements

This Directive establishes requirements regarding ICC operation, mandatory and prohibited recordings, data storage and retention, and the review of ICC recordings. The provisions set forth in this Directive are grounded in the goals of promoting accountability, transparency, and community trust. Officers who operate ICCs shall use them in accordance with the provisions of this Directive, and all local, state, and federal laws. Violation of this Directive may be cause for disciplinary action.

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

- **Camera Operation:** The Directive provides guidance on how to inspect and operate the ICC, including a description of the various camera modes and how to use them.
- **Mandatory Recording Requirements:** Members must activate their ICCs 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 ICCs 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, and when following a medic/tow truck or other vehicle as part of a call for service.
- **Exceptions to Recording Requirements & Prohibited Recordings:** Members may deactivate ICCs 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 ICCs when performing administrative functions as defined in the Directive. The Directive also discusses when members are prohibited from using ICCs, such as for the sole purpose of recording individuals who are engaged in acts of expression protected by the First Amendment, for the purpose of harassing or intimidating individuals, for the purpose of wide-scale monitoring or unauthorized surveillance, and in places where there are reasonable expectations of privacy. The Directive states required actions members must take when deactivating ICCs per these exceptions.
- **Data Use, Retention, and Review:** The Directive lists prohibited uses of ICC recordings, 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 ICC 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. It also sets forth the auditing process and how ICC recordings can be used for training and instruction.

### **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**

**IN-CAR CAMERA  
SYSTEM**

**OPERATIONAL  
PROCEDURE #438**

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 in-car camera (ICC) system is an effective tool for providing a record of Patrol activities, including motorist and investigative contacts made by officers during their tours of duty. Like the use of body-worn cameras (BWCs), ICCs can help demonstrate a police agency’s transparency in its operations, hold officers accountable, and objectively document critical evidence. Footage from ICCs can also provide valuable training material for officers and be a useful source of information for the investigation of complaints against personnel, as well as assist officers in recalling conversations and events for more accurate reporting.

The ICC program at the Johns Hopkins Police Department (JHPD) is based on policies and procedures that are centered on these goals, and JHPD’s use of ICCs shall be limited to legitimate law enforcement purposes only. When using ICCs, JHPD officers shall balance the need to effectively document their actions with the legitimate privacy interests of the individuals they encounter.

## Who is Governed by this Policy

This Directive governs all bureaus, sections, and their members, including sworn, non-sworn and contractual or voluntary persons in service with JHPD.

## Purpose

The purpose of this Directive is to establish policies and procedures regarding the use of ICCs by JHPD. The provisions set forth in this Directive are grounded in the goals of promoting accountability, transparency, and community trust. Officers who operate ICCs shall use them in accordance with the provisions of this Directive, and all local, state, and federal laws. Violation of this Directive may be cause for disciplinary action.

## Definitions

<b>Activation:</b>	Any process that causes the ICC to capture or store video or audio data.
<b>Administrative Investigative Functions:</b>	Investigative tasks taking place where no citizen/police interaction is occurring or likely to occur.
<b>Axon Signal:</b>	Proprietary Bluetooth technology that allows Axon ICCs and BWCs to be configured to automatically activate recording upon a pre-determined event or action. Axon Signal technology can only send a signal to tell the camera to start recording; it does not end recording. The Bluetooth Signal pulse is active for approximately 30 seconds and covers a range of approximately 30 feet from the equipped vehicle.
<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. (See JHPD Directive #433, Body-Worn Cameras)
<b>Buffering Mode:</b>	The setting during which the camera is on but not recording. This mode provides pre-event buffering to capture activities that occur prior to activating cameras.
<b>Event Mode:</b>	The setting during which the camera is active and recording events.
<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 members based on assigned levels of security clearance.
<b>Evidentiary Value:</b>	Information that may be useful as proof in a criminal prosecution, related civil or administrative proceedings, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.
<b>In-Car Camera (ICC):</b>	Recording device affixed to a police vehicle that is capable of capturing audio and video. JHPD utilizes the Axon Fleet 3 ICC system, which consists of at least two cameras: one installed in the

	front of the vehicle in a windshield mount (dual-view camera) and one pointed at the vehicle's rear passenger compartment (interior camera). The dual-view camera is mounted on a swivel-ball joint that allows the camera to be panned and tilted to ensure that objects of interest are within the camera's field of view.
<b>Member:</b>	All members of the JHPD, including officers, employees, 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>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>Unintentional Recording:</b>	An accidental or mistaken activation of the ICC where the resulting recording has no investigative or evidentiary value.

## Policy

It is the policy of JHPD to utilize ICCs in a way that balances the need for documenting law enforcement operations with the legitimate privacy interests of individuals. All recordings shall be captured, maintained, stored, viewed, and disclosed in accordance with the requirements of this Directive and with relevant federal, state, and local laws. This Directive does not alter JHPD members' responsibility to comply with JHPD Directive #433, Body-Worn Cameras, nor does compliance with JHPD Directive #433 satisfy a member's obligation to comply with this Directive.

## Core Principles (The Commission on Accreditation for Law Enforcement Agencies (CALEA) 41.3.8.a)

- I. **Trust, Accountability, & Transparency**, the primary goals of JHPD's ICC 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 ICCs to document officers' daily actions and encounters with the public.
- II. **Privacy Protection & Data Integrity**, there are times when ICCs 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 ICC data is stored, reviewed, and released according to this Directive and all relevant laws and regulations. Once ICC recordings are captured, a member may not alter them in any way or view them unless specifically authorized under this Directive.
- III. **Documentation of Incidents & Events**, ICCs can be valuable tools for objectively documenting and preserving critical incidents and evidence at a scene. When used in a manner consistent with this Directive, ICCs can help strengthen investigations

and prosecutions, and they can also assist in the accurate disposition of use-of-force and misconduct allegations. ICC recordings can also be used to identify training needs and provide valuable instructional material.

- IV. Public Interest.** JHPD must balance legitimate privacy and investigative concerns against the need for transparency when determining how to release ICC recordings in accordance with relevant public disclosure laws. When not otherwise prohibited by this Directive or relevant law, officers are permitted to use their ICCs to record in circumstances when they determine that doing so would be beneficial to the public interest.
- V. Limitations.** Despite the many advantages that ICCs can provide, this technology has some limitations. ICCs cannot always capture everything that occurs during an incident, such as activity or events that cannot be seen by the camera. Additionally, ICC recordings do not necessarily reflect the experience or state of mind of the individuals in the recordings at the time of the incident, and the recordings may not accurately capture what exactly is being seen by the officers and other individuals at the scene. There are also several technical factors that can impact the quality of ICC 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 ICCs in the police vehicle. The use of personally owned in-car recording equipment while on duty or in secondary employment is prohibited.
- All data images, recordings, and metadata captured, recorded, or otherwise produced by the ICC are the sole property of JHPD.
  - The use of JHPD-issued ICCs while off duty is prohibited.
- B.** All JHPD patrol police vehicles and any vehicle used to transport persons in police custody will be assigned an Axon Fleet 3 ICC system. This system comprises at least two cameras: one installed in the front of the vehicle in a windshield mount (dual-view camera) and one pointed at the vehicle's prisoner compartment (interior camera).
- C.** The Axon Fleet 3 ICC system is separate from the vehicle-mounted cameras used for JHPD's automated license plate reader (ALPR) program. (See JHPD Directive #439, Automated License Plate Readers). The ICCs discussed in this Directive are not used as part of the ALPR program.
- D.** No ICC shall be equipped with or have its video recordings or other data subjected to facial recognition or any other form of biometric analysis. No video

recordings or other ICC 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 ICC data to which the authorization applies, and
  - The authorizing court finds there is probable cause to believe the recordings or ICC data contains evidence that is relevant to an ongoing criminal investigation.
    - This subsection does not prohibit JHPD from using recognition software to analyze the recording of a particular JHPD incident when a supervisor or above has reason to believe that a specific person in need of assistance may be the subject of a particular recording.
- E. Members who are assigned to operate ICC-equipped vehicles must complete the JHPD-provided training described in Section VIII of this Directive.

## **II. Camera Operation**

### **A. Pre-Operation Requirements (CALEA 41.3.8.e)**

- Prior to each shift, absent priority or exigent circumstances, officers operating an ICC-equipped vehicle shall ensure that they are properly logged into the Axon Fleet system and that their assigned BWC has synced with the ICC equipment. In the event of priority or exigent circumstances preventing the officer from logging on as required by this Directive, officers shall do so at the first opportunity.
- Officers shall then conduct an inspection of the ICC system to ensure:
  - Both cameras power up upon starting the vehicle,
  - Each camera is operational, clear of any obstructions, and pointed to record a field of view that includes any automobiles being stopped for traffic violations as well as the rear passenger compartment of the squad car, and
  - There is adequate recording time remaining on each camera, there are no errors indicated with the cameras or app (e.g., cameras buffering), and the system has Bluetooth connectivity.
  - The system is tested for proper video and audio functionality. This is done by turning on the emergency lights or manually activating cameras and then verbally indicating a system test. This test will usually take five (5) to 10 seconds. Once the video and audio tests are completed, officers will review what was recorded on the Axon



app to be sure the system is in good working order and then tag the test video(s) as follows:

ID = 000000000

Title = Test

Category = 08 Testing

NOTE – Lack of WiFi connectivity within the Axon app will not affect general operation of the system; however, it will delay offloading of recordings from the car to Evidence.com and will prevent review of recordings from the mobile data computer. Officers shall report this condition so it can be corrected. The lack of WiFi does not prevent use of the vehicle.

- Operational problems with the ICC equipment shall be reported to an immediate supervisor, who should then attempt to troubleshoot the problem.
  - Problems that cannot be fixed shall be logged as “Administrative Event [DAMAGE],” noting the vehicle number and the specific problem.
  - Damaged equipment shall be documented in an administrative report and forwarded through the chain of command to the Fleet Manager for disposition. Installation, removal, or repairs shall only be performed at the direction of the Fleet Manager and Director of Information Technology for Public Safety.
  - An inoperable ICC will result in the automatic deadlining of a vehicle for repair. If another ICC-equipped vehicle is available, the supervisor shall assign the officer to that vehicle. If not, the vehicle with the non-operating ICC can still be used for patrol purposes provided the assigned officer(s) have operational BWCs.
- If the ICC fails during the course of a shift, the officer may continue to use that vehicle until the end of the shift.
- Unless otherwise authorized, members are not authorized to disable, remove, or tamper with any ICC system. Any member intentionally disabling, removing, or tampering with any component of an ICC without prior approval will be subject to discipline.

## **B. Camera Operating Modes**

The Axon Fleet 3 system cameras have two (2) operating modes:

- Buffering mode (the default mode), during which the camera is on but not recording. This mode provides pre-event buffering to capture activities that occur prior to activating cameras.

- The camera will automatically be powered on to Buffering mode upon detecting that the vehicle ignition is on.
- While in Buffering mode, the ICC will be configured to capture audio and video, but it does not record to permanent memory.
- Buffered video duration is 30 seconds by default.
- Event mode, during which the camera is active and recording events.
  - The moment that Event mode begins, both video and audio are recorded from the camera and Global Positioning System (GPS) coordinates provided by the Fleet Hub are recorded. This will continue throughout the duration of the recording until the camera is deactivated and the recording is stopped.
  - When Event mode is activated (and the camera begins recording), the buffered video captured directly before the event is saved and attached to the event in permanent memory.

**C. Activating the ICC (switching to Event/recording mode)**

- The ICC must be activated and recording in EVENT mode during any of the incidents and encounters set forth in Section III.A of this Directive.
- Automatic Activation: JHPD's ICC system is configured to automatically transition from Buffering to Event mode and begin recording both audio and video when one of the following events occur:
  - The vehicle's police lights or sirens are activated,
  - Activation of the vehicle's collision sensor,
  - Activation of the officer's BWC
  - The vehicle speed exceeds 75 miles per hour, or
  - The vehicle is involved in a significant deceleration event such as a crash (approximately 3gs of force is required)
- Manual Activation: The following actions will manually activate the camera and begin recording in EVENT mode:
  - Using the Fleet Dashboard application to start recording, or
  - Pressing the Primary or Secondary button on the dual-view camera,
  - NOTE – Officers may opt to manually activate the ICC in order to record an incident without alerting a potential violator with emergency lights.
- Whenever the ICC has been activated and is recording, officers shall ensure that the audio portion is also activated. Officers are encouraged to provide audio narration as events are occurring.

- If it can be done safely, officers shall consider vehicle positioning during traffic stops, field interviews, and other encounters described in Section III.A of this Directive in order to fully frame the vehicle or persons involved. A minimum of one car length distance should be maintained between the patrol vehicle and the stopped vehicle.

#### **D. Camera Deactivation**

- Once recording with an ICC 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 the encounter, enforcement, or investigative activity, or
  - The officer is expressly authorized under this Directive to deactivate the ICC.
  - NOTE – When in doubt, officers shall continue to record the interaction if it is reasonable to do so.
- Prior to deactivating the ICC pursuant to one of the exceptions described in Sections III.B and III.C of this Directive, the officer shall state orally into the ICC the reason for deactivation.
- To stop recording and return to BUFFERING mode:
  - Use the Fleet Dashboard application to stop recording, or
  - Single press the Primary button to end recording on the dual-view camera, or single press the Secondary button to end recording on the interior camera.

NOTE – Turning off the ICC does not automatically turn off the officer’s BWC, and vice versa. The two systems must be turned off separately.
- The maximum recording length for Axon Fleet 3 cameras is six (6) hours, at which point the Fleet Hub will automatically terminate the current recording and immediately resume recording with a new evidence file.
- The shutdown delay of the Axon Fleet 3 system is programmable, with the timer beginning its countdown upon turning the vehicle ignition off.

#### **E. Determining ICC System Status**

- Audio Prompts: The Axon Fleet system emits beeping sounds called “audio prompts” to notify officers of the system status. These prompts usually occur after a camera action.

Operating Mode	Audio Notification
Powering on or off	One tone
Recording an event	Two tones (repeats every two (2) minutes)
Enter or exit Mute mode	Two tones
Device is ending an event and returning to BUFFERING mode	One long tone
Respond Livestreaming started	Three rising pitch tones

- LED Prompts:

The Primary LED on the back of the dual-view camera shows the dual-view camera’s current operating status.

Primary LED – Dual-View Camera Status	LED Behavior
Powering on	Rapid blinking green
Buffering	Solid green
Recording	Blinking red
Camera updating	Blinking white
Live Streaming while buffering	Blinking purple
Live Streaming while recording	Blinking red and purple
Error Encountered	Blinking yellow

The Secondary LED shows the interior camera’s current operating status.

Secondary LED – Interior Camera Status	LED Behavior
Powering on	Rapid blinking green
Buffering	Solid green
Recording	Blinking red
Camera updating	Blinking white
Error encountered	Blinking yellow

### III. Recording Requirements (CALEA 41.3.8.b)

#### A. Mandatory ICC Activation

Except as outlined in Sections III.B and III.C of this Directive, all officers using ICC-equipped vehicles shall ensure that the ICC is activated in EVENT mode and recording during law enforcement-related encounters and incidents that include, but are not limited to:

- Criminal enforcement stops,
- Traffic stops (to include, but not limited to, traffic violations, motorist assist, crime interdiction stops). This applies to an officer's interaction with occupied vehicles that are already stopped when the officer arrives,
- Field interviews,
- Dispatched calls for service (the ICC should be activated when the officer begins to travel to the call or when acknowledging the call once dispatched),
- Pedestrian stops,
- In-progress vehicle or criminal code violations,
- Field sobriety road stops and all investigations/arrests involving impaired or intoxicated drivers,
- Vehicle and foot pursuits,
- Arrests,
- Advisements of *Miranda* rights,
- Consent to search a vehicle,
- Motor vehicle collisions,
- Any applicable special operation as determined by the duty supervisor that should be documented on video,
- Any self-initiated activity in which an officer would normally notify Communications,
- Uses of force,
- If responding to provide backup for another officer,
- Interviews or taking statements from suspects, witnesses, and victims, unless they are otherwise already being recorded by JHPD equipment,
- 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.),
- When transporting any non-JHPD member in the vehicle,
- When following a medic, tow truck, or other vehicle as part of a continuation for an investigation or call for service,
- When any member of the public raises any concern or complaint or when any interaction becomes confrontational, enforcement-related, or investigatory by nature,
- As directed by a supervisor, or
- Any other situation that an officer, by reason of training and experience, determines should be documented on video.

NOTE – When in doubt, officers should record.

## **B. Exceptions to Recording Requirements**

- 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 ICC 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 without recording.
  - When practicable, officers shall consult with supervisors and obtain approval before making the decision to deactivate their ICCs in situations that are enforcement or investigatory in nature. Approval is not needed when the information is for community engagement purposes.
  - The refusal to speak on camera should be stated on the recording by the individual before the ICC is turned off, and the reason for turning off the ICC should be documented in the officer's report.
  - If the encounter begins when the ICC is not actively recording, the officer may temporarily activate the ICC for the sole purpose of documenting the person's request that they not be recorded.
- Officers are not required to activate the ICC when they are:
  - Performing Administrative Investigative Functions or Routine Administrative Activities as defined in this Directive, unless directed by a supervisor or to memorialize required tasks,
  - Traveling to and from JHPD training or meetings, or when using a JHPD vehicle for transportation purposes only, or
  - On break or otherwise engaged in personal activities.
- Officers are not required to activate their ICC during a voluntary contact that is part of a community engagement event or community engagement contact that has been pre-approved by their supervisor.
- Officers may power off their ICC 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 could potentially cause a detonation. Officers must immediately power on the ICC when safe to do so.
- In those extremely rare circumstances where a reasonable officer would determine that it is impossible, impractical, or unsafe to activate their ICCs under the circumstances that the officer encounters, then officers should activate the ICC at the earliest moment at which activation becomes possible, practical, or safe, consistent with the requirements of Section III.A of this Directive.
- An officer who does not activate the ICC as required by this Directive

shall document the reason that the ICC was not activated as soon as possible after the incident concludes and submit the administrative report to the officer's supervisor by the end of the officer's shift. Upon review, the supervisor shall enter it into BlueTeam.

- An officer who interrupts or terminates an ICC recording in progress shall document the reason that the ICC was interrupted or terminated as soon as possible after the incident concludes and submit the administrative report to the officer's supervisor by the end of the officer's shift. Upon receipt, the officer's supervisor shall enter it into BlueTeam.

### **C. Prohibited Recordings**

- Officers shall not activate the ICC for the sole purpose of recording individuals who are engaged in acts of expression protected by the First Amendment; e.g., people who are engaged in activities protected by the First Amendment, such as 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 ICCs for situations in which the officer is otherwise addressing potentially unlawful activity, or the ICC is engaged pursuant to one of the requirements set forth as described above in Section III.A.
- ICCs shall not be used for systemic, indiscriminate tracking of individuals, wide-scale monitoring, or unauthorized surveillance.
- ICCs shall not be used for the purpose of harassing or intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.
- No JHPD member may use an ICC to knowingly and surreptitiously record a conversation of any other JHPD member except with a court order, when documenting or reporting criminal activity, or as authorized by the Chief of Police or designee. This prohibition does not apply to recording of off-duty JHPD officers who are subject to recording any interactions with JHPD as subjects or witnesses in the same manner as the general public.
- Additionally, officers shall not activate ICCs 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,
  - Situations that could compromise the identity of confidential informants and undercover operatives, or
  - Legally-privileged communications (e.g., attorney/client,

doctor/patient, etc.).

#### **D. Notice of Recording**

- In all circumstances where a person will be video or audio recorded in the vehicle, officers shall advise the suspect of the recording unless doing so would create a threat to the officer's safety. The officer shall state: "Hello, I am Officer \_\_\_\_\_ of the Johns Hopkins Police Department. I am advising you that our interaction is being recorded."

#### **E. Reporting Requirements**

- Officers who capture evidence or critical incidents on ICC recordings shall bring it to the attention of their supervisors as soon as possible. Officers operating the ICC equipment shall cause a bookmark to be created in order to memorialize the recording.
  - The existence of the recording shall be noted at the beginning of the narrative of any incident report, charging document, investigative report, or supplemental report pertaining to the incident.
- Officers must document in writing any non-recorded event that should have been recorded per this Directive, as well as any interruptions or terminations of recordings.

### **IV. Data Use, Storage, & Retention** (CALEA 41.3.8.c,d)

#### **A. Prohibited Uses of ICC Recordings**

The following actions are prohibited except as authorized by JHPD directives or express authorization of the Chief of Police or their designee:

- Copying, sharing, releasing, altering, erasing, or allowing unauthorized viewing of a JHPD ICC recording (or portion thereof).
  - When authorized, members may use Evidence.com to share recordings with other law enforcement agencies directly, without the need to copy and manually share the recordings.
- Uploading any ICC recording onto any unauthorized computer, device, drive, DVD, or any other format.
- Using an external recording device to copy or record ICC recordings when the recordings are displayed on another computer or device.
- Downloading, converting, or accessing any ICC recording for any type of personal use.
- Uploading ICC recordings onto public and social media websites.
- Sharing any ICC video credentials with any other person.



- Allowing the public to review ICC recordings while in the field.
- Using an ICC recording of a constitutionally-protected activity to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
- Using ICC recordings to gather intelligence information based on First Amendment protected speech, associations, or religion. (See JHPD Directive #486, Assemblies, Demonstrations, & Disruptions of Campus Activities)
- Using ICC video or audio data for any of the following purposes:
  - To create a database or pool of mug shots,
  - As fillers in photo lineups,
  - For any commercial purpose, or
  - For searching using facial or voice recognition software.

## **B. Uploading, Categorizing, and Labeling ICC Recordings**

- When returning a vehicle from use, officers operating an ICC-equipped vehicle shall set the system to UPLOAD to transfer any recordings to the server.
  - Uploaded events are stored on the Evidence.com system by incident. Each incident can be searched by date/time and officer. In addition, events can be searched by supplemental information keyed in by the officer at the time of the upload, such as tags and case number.
- Prior to the end of the officer's shift, the officer shall ensure the ICC recordings are categorized and titled with the following information:
  - The title of the recording shall contain any related location, Incident Number (also referred to as Central Complaint number (CC#)), citation, warrant, contact receipt, or other report numbers (e.g., 123 Man St., CC# \_\_\_\_\_)
  - The category of the recordings 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 uploading 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 upload the recordings during the next shift or as directed by their supervisor. The reason for the delay shall be documented in writing in an administrative report.

## **C. Data Storage & Retention**

- All original ICC recordings are the property of JHPD and shall be securely stored and maintained through Evidence.com and in accordance with JHPD's contract with Axon.
- ICC recordings shall be retained according to a retention schedule that is consistent with state law and Johns Hopkins University (JHU) policies, as follows:
  - JHPD shall retain an unedited original version of all ICC recordings for a minimum period of **four (4)** years.
  - If the incident captured in the recording results in a preservation request, civil litigation, complaint against personnel, Public Safety Accountability Unit (PSAU) investigation, or criminal charges, or is otherwise relevant to a criminal, administrative, or compliance investigation, the recordings should be retained for at least **one (1)** year following the conclusion of the matter, including appeals.
  - System recordings will automatically be 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 ICC 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.
  - Approved requests shall be forwarded to the ICC/BWC Coordinator. Upon receipt of an approved deletion request, the ICC/BWC Coordinator shall review the recording and determine whether or not the recording had an official purpose or evidentiary value.
  - Deletion requests of recordings that depict violations of JHPD directives or JHPD member misconduct shall not be approved.
  - If the ICC/BWC Coordinator concurs that the recording has no evidentiary value, the ICC/BWC Coordinator shall forward the request for review.
  - If the Director, PSAU concurs that the recording has no evidentiary value, the Director, PSAU, shall approve the request and forward it to the Director, Information Technology, to delete the recording.
  - A copy of the deletion request shall be maintained by the ICC/BWC Coordinator.

NOTE – Deleting recordings can expose police agencies to accusations of tampering. Therefore, requests for deletion of ICC recordings shall only be made in instances of unintentional activation of the ICC during non-enforcement or non-investigative activities (e.g., recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded). Recordings that raise privacy concerns but that do not otherwise meet this definition of unintentional activation shall not be deleted, but shall be retained, tagged, and obscured should they need to be viewed.

- To monitor camera performance, as well as track how and why camera recordings are accessed, JHPD shall maintain a log that documents:
  - When ICC footage is recorded, including the time of the recording,
  - When ICC recordings are uploaded, and
  - When ICC recordings are viewed, copied, or edited. The log should note who accessed the recordings and for what purpose.

**V. Reviewing & Auditing ICC Recordings** (CALEA 41.3.8.g)

- A. Access to ICC recordings shall be granted to authorized JHPD members only. Accessing or reviewing the recordings for any reason other than those stated in this Directive is strictly prohibited, except as otherwise required by state and federal statutes or JHPD and JHU policies and procedures.
- B. **Review by Officers**
  - Where not otherwise prohibited by this Directive, officers may view ICC recordings from the vehicle to which they were assigned at the time of the recording 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,
    - Reviewing evidence for court or administrative hearings,
    - Reviewing victim/witness/suspect statements,
    - Reviewing crime scene observations,
    - Preparing a statement of charges,
    - Clarifying observations at the scene of an incident, or
    - Giving testimony and evidence in court or administrating proceedings.
  - Requests to review ICC recordings shall be made on a memorandum and forwarded to the officer's supervisor or accessed directly via the Evidence.com system. The request will then be forwarded through the officer's chain of command if necessary. The request must articulate the reason for the review.

- An officer must document in their written reports whether they reviewed ICC recordings of the incident and the time it was reviewed.
- Officers shall not view any ICC 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 or PSAU investigation against a JHPD member, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.
- Officers who (a) are involved in an incident that activates a duty to receive or assist in the taking of a public complaint against an officer or (b) who notify their supervisor or PSAU of actual or alleged officer misconduct may not review any ICC 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.
  - NOTE – Examples include 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 ICC; (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.
- 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 ICC recordings of the incident under investigation. This access restriction shall remain in place throughout the investigation.

### C. Review by Supervisors

- Supervisors **shall** review the ICC data of an officer 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, and
  - Vehicle pursuits, stops, or accidents.

- Supervisors **may** review and/or copy ICC 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

**D. Live Streaming**

- An officer’s ICC may Livestream a recording via Evidence.com to be viewed by assigned members in real time. Only users authorized by this Directive or the Deputy Chief of Police for Operations shall utilize the Livestream feature. Supervisory personnel shall be assigned Livestream permission and may use Livestream ICC footage in order to assist an officer, to deploy additional resources, or to check for compliance.
- Instances where a supervisor may Livestream an ICC include, but are not limited to:
  - Monitoring officers’ response to a pre-planned event,
  - At an officer’s request,
  - During community engagement interactions,
  - During an ongoing critical incident (e.g., firearms discharge, hot pursuit),
  - During a hostage/barricade situation, and
  - In active assailant situations where command required 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 ICC recordings.
- Supervisors shall not Livestream the ICC of officers under their command, unless it is for one of the instances identified above, is operationally necessary, or for compliance reviews.
  - 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 directives.

**E. Review by Commanders & Managers**

The Chief and Deputy Chief of Police, Commanders, and Captains may access all ICC recordings and audit trails, including restricted 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, or
- Internal affairs investigations.

**F. Review by the Public Safety Accountability Unit (PSAU)**

- The PSAU shall conduct periodic, random reviews and audits of ICC recordings to assess whether the officer's activity was conducted consistent with relevant laws and JHPD directives.
- Periodic reviews will be conducted by the PSAU according to the following procedure:
  - The PSAU selects three (3) officers from a shift at random who were working three (3) consecutive days.
  - ICC recordings from the vehicles operated by those officers are then matched with Computer Aided Dispatch (CAD) and In Pursuit data to confirm whether the officers responded to those calls.
  - If there are no ICC recordings from that officer, the PSAU will investigate other recordings associated with the incident to view the officer's actions.
  - Any violations of this Directive will be sent to PSAU for review.
- The PSAU will perform at least one (1) audit per week.
- Violations of any laws or JHPD directives, or the engagement in any activity which may bring discredit to the office or to 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:
  - Officer performance,
  - Training and equipment needs, or
  - Consistency between written reports and recordings.

**G. Review by Other JHPD Members**

In addition to the members discussed in this section, ICC recordings may be accessed and reviewed by the following:

- Investigators assigned to the PSAU may review and/or copy data from any vehicle's ICC.
- Members of JHPD's Investigations may review and/or copy any ICC data that might be relevant to a criminal investigation they are conducting.
- Members of the Public Safety Training Section may request and review ICC data for training purposes.
- Members of the PSAU, Records Management or the Public Information Officer (PIO)'s staff may request and review ICC recordings for the purpose of responding to public requests for disclosure, as discussed in Section VI of this Directive.
- Technical support staff may review ICC recordings for the purposes of assessing the proper functioning of the ICC system.
- Personnel from the Johns Hopkins (JH) Office of General Counsel or, upon approval by the Chief of Police, other JH staff such as the Office of Institutional Equity or the Office of Internal Audits may review ICC recordings for purposes of an administrative investigation.
- Personnel from the Office of the State's Attorney, United States Attorney's Office, Attorney General's Office, or other prosecuting authority may request and review ICC recordings for purposes of investigation leading to possible prosecution.

## **VI. Public Disclosure of ICC Recordings**

Members of the public wishing to obtain ICC recordings may submit a request for JHPD records related to law enforcement activities to the JHPD PIO, pursuant to JHPD Directive #210, Records Management.

## **VII. Required Actions by Supervisors**

Supervisors shall:

- A. Ensure that officers assigned to ICC-equipped vehicles are utilizing the ICC system in accordance with JHPD directives.
- B. Periodically inspect issued ICCs to ensure proper operability per testing protocols.
- C. Ensure that requests for repairs, maintenance, or replacement for non-functional ICC equipment are promptly made and documented accordingly.
- D. Identify material or incidents that may be appropriate for training.
- E. Periodically conduct reviews of ICC recordings per the protocols described in Section V of this Directive.

F. When an incident arises that requires the immediate retrieval of an ICC recording, respond to the scene to secure the officer’s vehicle, and maintain a chain of custody. The supervisor is responsible for uploading and labeling the recording and shall maintain possession of the ICC until this is complete. Incidents in which this is required may include:

- Anytime the Independent Investigative Division (IID) of the Office of the Attorney General for Maryland responds to investigate an incident,
- A use-of-force review for all officers present during any incident involving a use of force (see JHPD Directive #402, Use of Force), and
- Any other time at the discretion of a supervisor not involved in the incident.

**VIII. Training** (CALEA 41.3.8.f)

A. All JHPD officers shall receive departmental-approved training on ICC policies and operation prior to being assigned to a vehicle that is equipped with an ICC, and then on an ongoing annual basis. Supervisors who are required to use and interact with the ICC system shall also receive the training.

B. Initial and annual training must include:

- The proper use and care of ICC equipment,
- System operation, including how to use the cameras, upload recordings, live stream, and perform all other pertinent operational functions,
- Mandatory, permissible, and prohibited uses of ICCs,
- How to classify recordings,
- Legal guidance and updates pertaining to recording devices.
- Relevant JHPD directives and federal, state, and local laws, and
- Alternative methods for delivering effective notifications of recording to persons with special needs or limited English proficiency.

C. Additional training outside of the annual training shall be conducted if:

- Deficiencies are identified in the use of ICCs,
- New ICC equipment or technology is adopted by JHPD, or
- There are changes to laws or policies relevant to ICCs.

**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 #210, Records Management Operational Procedure #402, Use of Force Operational Procedure #433, Body-Worn Cameras Operational Procedure #439, Automated License Plate Readers Operational Procedure #486, Assemblies, Demonstrations, & Disruptions of Campus Activities
<b>External Documentation</b>
Axon Fleet 3 Camera System User Manual, January 2023 The Justice Collaboration, Principles of Procedurally Just Policing, January 2018
<b>Police Department Forms and Systems</b>

## Contacts

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