



Cover Memorandum

Fair and Impartial Policing, JHPD Directive #106

Purpose of the Directive

The purpose of this Directive is to affirm the Johns Hopkins Police Department (JHPD)'s commitment to providing respectful, fair, and impartial police services that do not discriminate toward any individual or group of individuals.

Summary of Directive Requirements

This Directive prohibits discriminatory policing and requires that all JHPD members take law enforcement actions based on the legal requirements of reasonable suspicion, probable cause, or relevant exigent circumstances and that such actions are supported by articulable facts. The Directive explicitly prohibits the use of, to any extent or degree, actual or perceived personal characteristics as the basis for conducting law enforcement actions except as a part of a reliable, trustworthy, timely, and specific individual physical description where that specific information links a specific person to an incident.

The Directive requires other actions of JHPD members based on procedural justice principles, where reasonably possible, such as, introducing oneself, explaining the reason for the contact, limiting the length of the stop to only a reasonably necessary amount of time, explaining delays, answering the person's questions, providing the member's name and badge number, releasing the person as soon as the reasonable suspicion is dispelled, and requesting a supervisor so that the person can voice their concerns if requested or indicated.

The Directive provides additional descriptions and explanations of how members can mitigate or eliminate discriminatory policing and references several related JHPD policies, such as Duty to Intervene, Complaints Against Personnel, and the Field Reporting System.

The Directive requires comprehensive supervisory reviews of all police-public interactions to identify exceptional service, areas for training or improvement, and any perceived disparities. It also requires commanders to regularly review incidents for potential bias-based policing, to refer any problem incidents to the Public Safety Accountability Unit (PSAU), and to write a monthly report to the Chief of Police summarizing reviewed incidents, disparities discovered, and action steps taken. The Chief of Police will also create an annual report summarizing complaints of bias and a summary of enforcement actions taken during that calendar year.

The Directive specifies that the Training Section must comply with all statutory and regulatory requirements and outlines specific topics that should be included in its fair and impartial policing training modules.

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

**FAIR & IMPARTIAL
POLICING**

**CONDUCT &
RESPONSIBILITY #106**

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]

Table of Contents

POLICY STATEMENT1

WHO IS GOVERNED BY THIS POLICY.....1

PURPOSE2

DEFINITIONS.....1

POLICY.....3

CORE PRINCIPLES3

PROCEDURES3

POLICY ENFORCEMENT9

RELATED RESOURCES10

CONTACTS10

Policy Statement

The Johns Hopkins Police Department (JHPD) shall respect the constitutional rights of every individual in the performance of its duties. All members of the JHPD will treat each member of the public in a fair, respectful, impartial, and nondiscriminatory manner. Bias-based policing is prohibited. Members of the JHPD must strive to understand their own implicit biases and to keep such biases from clouding their official judgment and actions. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 1.2.9.a)

Who is Governed by this Policy

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

Purpose

The purpose of this Directive is to affirm the JHPD’s commitment to providing respectful, fair and impartial police services that do not discriminate toward any individual or group.

Definitions

Bias-Based Policing:	Practices and policies that result in the differential treatment, enforcement, or service of any person by law enforcement officers motivated by actual or perceived characteristics including, but not limited to, race, ethnicity, national origin, religion, gender, sexual orientation, gender identity or expression, economic status, familial status, age, cultural group, disability status, housing status, immigration status, language ability, HIV status, mental illness, political ideology, social status, veteran status, skin color, addiction, or affiliation with any non-criminal (protected) group. Furthermore, a person's prior criminal history shall not impact the services they receive from JHPD as a crime victim or as a resident or visitor in need of assistance or services.
Explicit Bias:	Positive or negative preferences for a particular group that are conscious. With explicit bias, individuals are aware of their prejudices toward certain groups.
Implicit Bias:	Attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control.
Member:	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.).
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Personal Characteristics:	May include but is not limited to actual or perceived identity, race, color, ethnicity, national origin, language fluency, gender, gender identity or expression, sexual orientation, marital status, mental, intellectual or physical disability, age, religion, housing, or socio-economic status.
Probable Cause:	Where the totality of the circumstances, including all facts and circumstances known to the officer(s) at the time and their relevant training and experience, taken as a whole, would lead a reasonable prudent officer to believe there is a fair probability- that ; (1) for purposes of a crime, a particular person has committed or is committing a crime, (2) for purposes of an enforceable civil violation, a particular person is committing or has committed civil violation, (3) for purposes of a traffic offense, that particular vehicle or person has committed or is committing a particular violation of the traffic laws, or, (4) for purposes of a search, either contraband or evidence of a crime will be found in a particular location. Probable cause is an objective legal standard that requires

stronger evidence and greater certainty than Reasonable Articulate Suspicion.

Reasonable Articulate Suspicion (RAS):

A well-founded suspicion based on the totality of the circumstances, including specific, objective, articulable facts, taken together with the officer's training and experience, that would lead a reasonably prudent officer to believe, (1) for purposes of an Investigative Stop, a person has committed, is committing, or is about to commit a crime or, (2) for purposes of a Pat Down, a person is armed. RAS is based upon an objective assessment of the facts and circumstances presented to the officer. RAS is an objective legal standard that is less than Probable Cause but more substantial than a hunch or general suspicion.

Bias by Proxy:

This occurs when individuals call the police and make false or ill-informed claims about persons they dislike or are biased against based on explicit racial and/or identity profiling or implicit bias. When the police act on a request for service rooted in implicit or explicit bias, they risk perpetuating and validating the caller's bias. Members shall use their critical decision-making skills and draw upon their training to assess whether there is criminal conduct.

Policy

The JHPD prohibits bias and discrimination, requires professional police interactions, and ensures that all members base their behavior and all enforcement actions on sound legal reason, to include ensuring that investigative stops and detentions, traffic stops, interviews and/or interrogations, arrests and citations, searches, uses of force, and asset seizure are consistent with Maryland Statutes and the Fourth Amendment of the U.S. Constitution.

Core Principles

Fair and impartial policing is essential to the integrity and legitimacy of the police department's law enforcement mission and fostering trust with community and professional partners. This Directive is guided by the following core principles:

- I. **Non-Discrimination**, all members are prohibited from using, to any extent or degree, actual or perceived personal characteristics of an individual as a factor in conducting or justifying law enforcement actions, except as part of a reliable, trustworthy, timely, and specific individual physical description where that description includes other appropriate non-demographic identifying factors. (CALEA 1.2.9.a)

- II. **Constitutional Policing**, all members shall engage in law enforcement actions (to include investigative stops and detentions, traffic stops, interviewing and/or interrogations, arrests and citations, searches and seizures, uses of force, and asset seizure and forfeiture efforts) based only on the appropriate legal standard for conducting such actions and in accordance with police department policy, Maryland Statutes, and the U.S.

Procedures

Because partnership with the community is the most effective way to ensure public safety, maintaining the public's trust is a primary concern of the JHPD. To secure this trust, personal characteristics should have no adverse bearing on an individual's treatment in the offer and delivery of police or public safety services or when otherwise in police care and custody.

I. Responsibility

A. All members of the JHPD shall use the following measures, whenever reasonably possible, when contacting members of the public and taking law enforcement actions. In addition, members shall:

- Be professional, courteous, and considerate, in conformance with JHPD Directive #103, Rules of Conduct.
- Introduce themselves and explain to the person, as soon as possible, the reason for the contact unless providing this information will compromise the investigation or the safety of members or other persons.
- Ensure the length of the investigative stop or vehicle stop is no longer than reasonably necessary to take appropriate action for the known or suspected offense, as well as any offense which is legitimately discovered during the course of the investigation.
- Ensure that the purpose of reasonable delays is explained to the person who is stopped.
- Answer any questions the person may have.
- Provide name and badge number when requested, verbally, in writing, or on a business card, in conformance with JHPD Directive #103, Rules of Conduct.
- If the reasonable articulable suspicion for the stop is dispelled or the stop was made in error, explain to the person why the stop was made. If the stop was made in error, apologize for any inconvenience.
- If a person states that they would like to speak with a supervisor, make a complaint, and/or they refuse to accept a JHPD member's explanation about the encounter, the member shall request a supervisor to allow individuals to voice their concern related to the contact and shall explain the complaint process to the person.
- Notify the individual that they are being recorded via Body-Worn Camera (BWC) in accordance with JHPD Directive #433, Body-Worn Cameras.

B. Members shall not use language, display symbols, or make gestures that are commonly viewed as offensive to, or indicative of, bias toward any person based

on any actual or perceived personal characteristics.

- C. Supervisors shall continually reinforce the ethic of fair and impartial enforcement of the laws and ensure that their personnel, by their actions, maintain the community's trust in law enforcement. This is accomplished by:
- Ensuring that their personnel are familiar with this Directive and support its provisions.
 - Observe the practices of members, including periodic reviews of BWC footage per JHPD Directive #433, Body-Worn Cameras, to ensure bias-based policing tactics are not utilized.
 - Review completed Incident Reports to ensure that the proper information is recorded.
 - Receive public complaints about members of the JHPD engaging in bias-based policing and initiating appropriate corrective action.
- D. In addition to advancing procedural justice, faithfully implementing these measures will help combat the effects of implicit bias and strengthen police relationships with the community.

II. Constitutional Policing

- A. As required by Maryland Statutes and the United States Constitution, all enforcement actions by law enforcement officers, such as investigations, detentions, traffic stops, arrests, searches and seizures, etc., must be based on reasonable articulable suspicion, probable cause, or other relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that support the given action.
- Members of the JHPD making contact with a person shall be prepared to articulate sufficient reason for the contact, independent of the personal characteristics of that person.
- B. Except as part of a reliable, trustworthy, timely, and specific individual physical description that is based on relevant information that links a specific person to a specific unlawful incident or call for service (such as clothing or associated vehicle), members **shall not** use, to any extent or degree, actual or perceived personal characteristics of an individual while conducting or justifying law enforcement actions. All members are advised as follows:
- These personal characteristics can **never** be used as the sole basis for probable cause or reasonable articulable suspicion. Officers must be able to describe how the individualized physical and personal characteristics are specifically related to establishing RAS or probable cause when initiating enforcement based on such characteristics.
 - Nor can these characteristics be the sole basis for conducting any law

enforcement action, such as an investigative stop, questioning a person, searching or requesting to search a person, issuing a citation, or making an arrest. Nor shall these personal characteristics be used as a pretext for investigating other violations of criminal law.

- All personal characteristics that a member considers in order to justify the taking of a law enforcement action must be clearly articulated without the use of boilerplate language in their report.
 - “Trustworthy” information, as stated above, is the same standard that members should apply to any information they use to establish RAS or probable cause. It means that the information is worthy of confidence.
 - Sexual orientation, religious affiliation, and many other personal characteristics are not physically observable. Therefore, these cannot be part of a reliable and trustworthy physical description of a specific suspect.
 - Members must use their critical decision-making skills to assess whether there is evidence of criminal activity after independently assessing the circumstances. When carrying out their duties, members must be cognizant of how bias may be influencing the situation, whether explicit bias, implicit bias, or bias by proxy.
 - Callers or other persons providing information to the JHPD may be asked to elaborate on terms like "acting suspiciously" to enable JHPD members to more accurately determine what, if any, police response is required.
- C. All persons stopped by an officer shall be provided with an explanation for why they were stopped, unless disclosure of such information would legitimately undermine an investigation or jeopardize the officer’s safety.
- Should an officer determine that disclosing such information creates a risk and chooses to withhold explanation, the basis for withholding such information will be documented in their incident report.
- D. Whenever a member has any non-consensual investigative or enforcement related contact with any person, the member shall complete an appropriate report documenting the incident and describing any actions taken in conformance with JHPD Directive #470, Field Reporting System.
- E. In accordance with JHPD Directive #111, Duty to Intervene, members who observe another member engaging in bias-based policing shall intervene to prevent such unlawful policing or to stop and minimize its continuation to prevent additional harm to the individual against whom the bias is used.
- F. Members who have observed or are aware of other members who have engaged in bias-based policing shall report such incidents to a supervisor in conformance with JHPD Directive #350, Complaints Against Police Personnel.

- The failure of any member to report misconduct is itself misconduct and will be subject to corrective action, including and up to termination.
- G. In developing activities designed to support and/or strengthen the JHPD's relationships with the diverse communities it serves (e.g., an event intended to address safety concerns of a specific religious or underserved community), members may consider personal characteristics.
- H. Members should consider relevant personal characteristics when determining the best way to serve certain members of the community, particularly those in crisis (e.g., behavioral health, housing status, addiction, limited English proficiency, etc.).

III. Fair & Impartial Policing Audits

The JHPD will conduct comprehensive reviews of all police-public interactions. The regular review of pedestrian and vehicular stops will be conducted at every supervisory level to identify exceptional service by individual members, areas for training or improvement, and any perceived disparities. All personnel are required to participate in police-public interaction data collection efforts.

- A. Patrol supervisors will conduct a comprehensive review of their officers' daily investigative and enforcement activity to include, traffic stops, suspicious persons, field contacts, arrest data, and incident reports, along with accompanying BWC footage to ensure that the required information is submitted for each event and identify any abnormalities in officer's performance or conduct.
- If upon reviewing member practices, a pattern of behavior for a particular member is revealed, the supervisor will review additional incidents of a similar nature to identify whether the member routinely stops members of a particular group, to include stopping such individuals for violations of vehicle laws as a pretext for investigating other violations of criminal law.
 - A supervisor shall ensure that recordings, reports, and any other data that may capture a potential instance of bias-based policing are appropriately retained for administrative investigation purposes.
 - A supervisor identifying a potential pattern of misconduct or otherwise suspecting bias-based policing shall immediately report those facts and information in conformance with Directive #350, Complaints Against Police Personnel.
- B. The Watch Commander shall prepare and submit a listing of shift activities on the Shift Briefing Report to the Chief of Police through the chain of command in conformance with Directive #428, Staff Briefing & Roll Call.
- C. Commanders will regularly review incidents identified through public complaints and daily shift briefing reports, including but not limited to, investigative and

enforcement actions involving personnel under their supervision for potential bias-based policing, misconduct, and any abnormalities in officer performance or conduct. Any incidents identified will be referred to the Public Safety Accountability Unit for investigation.

- D. Commanders will prepare and submit through the chain of command a written report to the Chief of Police on a monthly basis. This report will provide a summary of all reviewed incidents reviewed in accordance with this Directive and will include any disparities discovered and actions steps taken to address the disparity.

IV. Responding to Bias-Based Reports by the Public

The public is encouraged to report suspicious activity. At the same time, communications and police personnel should be aware that some of these reports may originate from the caller's unconscious or conscious bias. If any member of the department receives a call for service whose only foundation has to do with an individual's actual or perceived identity, race, color, ethnicity, national origin, language fluency, gender, gender identity or expression, sexual orientation, marital status, mental, intellectual or physical disability, age, religion, housing or socio-economic status, or other potentially improper personal characteristics, they will:

- A. Determine if there are other circumstances or facts that would constitute RAS, probable cause, or would otherwise call for a police response. If the complainant can offer no further information, the complainant will be advised of that information and that a supervisor will be in contact at the first opportunity.
- B. The member will notify the on-duty supervisor of the circumstances of the call. The supervisor and/or officer should attempt to familiarize the caller with this policy and the Department's commitment to fair and impartial policing, explaining that acting on calls for service based solely on an individual's actual or perceived identity, race, color, ethnicity, national origin, language fluency, gender, gender identity or expression, sexual orientation, marital status, mental, intellectual or physical disability, age, religion, housing or socio-economic status, or other potentially improper personal characteristics is inappropriate.
- C. Members will document the contact in conformance within the JHPD incident reporting system. (CALEA 1.2.4)
- D. Members shall ensure that all reports of a potentially biased or hate-motivated incident are answered, investigated, and reported in conformance with JHPD Directive #466, Hate & Bias Incident Investigation.

V. Education & Training (CALEA 1.2.9.b)

The JHPD is committed to providing advanced and continued training in subjects that promote fairness, inclusion, and encourage impartial policing.

- A. The Public Safety Training Section will ensure that all members, including JHPD call-takers and dispatchers, are compliant with Maryland Police Training Commission and legislative requirements regarding initial and in-service training on fair and impartial policing.
- Such training will address proactive enforcement tactics, including training in member safety, courtesy, cultural diversity, discrimination and bias-based profiling, field contacts, traffic stops, the laws governing search and seizure, and interpersonal communications skills.
 - This training shall address the issues pertaining to the practice of bias-based policing, including its impact on police and society. Training programs will emphasize the need to respect the rights of all community members to be free from unreasonable government intrusion or police action. Training will also address the legal aspects of bias-based profiling, including the possibility of criminal and civil liability for such actions.
 - The training should apply principles of procedural justice (treating people with dignity and respect, providing individuals with a voice during encounters, being neutral and transparent in decision-making, and conveying trustworthy motives).
 - At minimum, policy familiarization on Fair and Impartial Policing will be completed by supervisors annually during roll-call training.
 - Furthermore, JHPD will incorporate segments of its fair and impartial policing content into other training lessons on such important topics as use of force, stops/searches/arrests, traffic enforcements, and tactical safety courses, among others, in order to infuse these values throughout its training curriculum.
- B. The Deputy Chief of Police shall disseminate pertinent court rulings, case law, or legal opinions concerning biased policing for roll call training.

VI. Annual Review (CALEA 1.2.9.c)

Annually, the Chief of Police will conduct an administrative review of JHPD Directives and JHPD practices from the previous calendar year in regard to biased policing and submit a written report to the Vice President for Public Safety not later than March 15th. The following information will be included with the report:

- A. A summary of any complaints filed or concerns expressed alleging biased policing by members of the JHPD, including the findings and any corrective action taken.

- B. A summary of custodial arrests and the disposition, including the custodial arrest of any known non-citizens.
- C. A summary of any force used beyond compliant handcuffing by members of the JHPD.
- D. A summary of any searches conducted by members of the JHPD.
- E. A summary of asset seizures or forfeitures initiated by the JHPD.
- F. A summary of investigative and traffic enforcement stops initiated by members of the JHPD in accordance with MD Code, Transportation, § 25-113.
 - The Deputy Chief of Police will ensure that all required traffic stop data is reported to the Maryland Statistical Analysis Center no later than March 1st of the following calendar year, and
 - To the Baltimore Police Department (BPD) in accordance with Section 24-1208 of the Maryland Education Article and the Memorandum of Understanding with BPD executed on December 2, 2022.
- G. The Training Director shall disseminate pertinent court rulings or legal opinions concerning biased policing for roll call training, and
 - No later than January 30th, forward to the Chief of Police a summary of such training and any recommendations for additional training or updates to policies or procedures that will strengthen the JHPD’s commitment to fair and impartial policing.

Policy Enforcement

Enforcement	JHPD managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this directive should be reported to the Office of Public Safety Accountability Unit.

Related Resources

University Policies and Documents
Conduct & Responsibility #103, Rules of Conduct
Conduct & Responsibility #109, Procedural Justice
Conduct & Responsibility #111, Duty to Intervene
Personnel Procedure #350, Complaints Against Police Personnel
Operational Procedure #428, Staff Briefing & Roll Call

Operational Procedure #466, Hate & Bias Incident Investigation Operational Procedure #470, Field Reporting
External Documentation
Maryland Transportation Article §25–113 Maryland Education Article §24–1208 Memorandum of Understanding Between the Johns Hopkins Police Department & City of Baltimore Police Department, dated December 2, 2022
Police Department Forms and Systems

Contacts

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