



## **Cover Memorandum**

### **Procedural Justice, JHPD Directive #109**

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

The purpose of this Directive is to emphasize the Johns Hopkins Police Department (JHPD)'s commitment to policing in a procedurally just manner and to provide specific guidance to its members on how to implement procedural justice in the course of their work with the community.

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

The Directive provides guidance on specific actions that JHPD members can take to communicate procedural justice principles through the performance of their duties. Such actions include: treating all persons with courtesy and dignity, acting in a professional manner, introducing oneself, explaining the reason for the contact, giving persons the opportunity to ask questions and answering those questions, being patient and actively listening, limiting the length of the stop to only a reasonably necessary amount of time, explaining delays, providing the officer's name and badge number, releasing the person as soon as the reasonable suspicion is dispelled and apologizing for the inconvenience, and requesting a supervisor so that the person can voice their concerns if requested or indicated.

The Directive requires JHPD members to employ de-escalation techniques to secure non-violent outcomes and to consider possible reasons for a person's non-compliance with police orders (unless someone is in imminent danger of harm).

The Directive also stresses prioritizing procedural justice strategies for interactions with members of communities that have historically had tense relationships with police, including youth, immigrants, LGBTQ+ individuals, and minorities. The Directive further stresses JHPD members' need to employ the most effective and least intrusive response to interactions and fair and impartial policing principles in the course of their duties.

Lastly, the Directive requires regular supervisory reviews of investigatory and vehicle stops to identify both exemplary instances of procedural justice, as well as violations of this Directive.

#### **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**

**PROCEDURAL JUSTICE**

**CONDUCT & RESPONSIBILITY #109**

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**

Procedural justice refers to the perception of fairness in an encounter with police, achieved in major part by treating all persons with dignity and respect, giving persons a voice during encounters, being impartial in decision-making, and conveying trustworthy motives. Conduct that conforms with procedural justice is essential for developing positive interactions with the public, which fosters the community’s willingness to cooperate with the police to advance shared public safety goals and community policing efforts.

**Who is Governed by this Policy**

All personnel, including sworn, non-sworn, contractual, or voluntary persons, in service with the Johns Hopkins Police Department (JHPD) are governed by this Directive.

## Purpose

The purpose of this policy is to emphasize the JHPD's commitment to policing in a procedurally just manner and to provide specific guidance to JHPD members on how to implement procedural justice in the course of their work with the community.

## Definitions

<b>Law Enforcement Action:</b>	Any circumstance, on or off duty, in which an officer exercises or attempts to exercise police authority. This includes, but is not limited to, investigative stops and detentions, traffic stops, interviews and/or interrogations, arrests and citations, searches and seizures, and internal discipline.
<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>Police Legitimacy:</b>	The public's belief that the police can be trusted to act properly and in the public interest. Police legitimacy reflects the belief that the police ought to be allowed to exercise their authority to maintain social order, manage conflicts, and solve problems in their communities.
<b>Procedural Justice:</b>	Treatment of a person by officers in such a way that the person feels they were treated fairly and with consistency, dignity and respect, they were given a voice, the officer was neutral and transparent, and the officer conveyed trustworthy motives.

## Policy

It is the policy of the JHPD to police in a procedurally just manner that recognizes the dignity of all persons with whom officers interact. Procedural justice is essential to building police legitimacy and public trust, which are critical to protecting and serving the public effectively.

## Core Principles

Throughout encounters with the public, members shall demonstrate the principles of Procedural Justice whenever possible to increase the likelihood of a positive interaction and build police legitimacy.

### I. Fairness

- A. Procedural Justice is ultimately about fairness and consistency in both the process and outcomes of policing interactions. When the public perceives interactions as fair, these interactions contribute to public trust and police legitimacy.

- B. Members shall be professional and courteous throughout the interaction, treating people with dignity, respect, and concern for their rights.

## II. **Voice**

Absent exigent circumstance, officers shall provide people the opportunity to explain their actions and ask questions before making a final decision. Listening to a person's perspective is important to conducting a fair decision-making process. Engaging and listening to community members prior to reaching a conclusion leads to more informed decision-making and increases community members' acceptance of the resolution.

## III. **Transparency**

Officers shall ensure people know why and how decisions are being made to foster understanding and cooperation with the decision-making process and outcome.

## IV. **Impartiality**

- A. Officers shall make transparent, neutral decisions based only on relevant information.
- B. Officers shall convey trustworthiness throughout interactions by acting with professionalism, understanding, and transparency.

## **Procedures**

Procedural Justice is ultimately about fairness and consistency in both the process and outcomes of policing interactions. When the public perceives interactions as fair, these interactions contribute to public trust and Police Legitimacy.

### I. **Required Actions**

Members of the JHPD, including supervisors and commanders, can take specific actions and practice certain behaviors that convey to a person that they are being treated in a procedurally just manner.

- A. All members shall treat all persons with the courtesy and dignity that is deserving of every human being.
- B. All members shall act, speak, and conduct themselves in a professional manner, understanding their obligation to safeguard life and property while maintaining a courteous, professional demeanor in all contacts with the public.
- C. Members shall conduct all encounters and law enforcement actions in strict accordance with JHPD directives in order to demonstrate neutral decision-making

and fair treatment and avoid accusations or perceptions of discriminatory policing or bias. This includes:

- Being professional and courteous.
- Introducing oneself.
- Immediately upon contact, or as soon as possible, explaining to the person the reason for the contact unless providing this information will compromise an investigation or the safety of officers or other persons.
- Offering the person an opportunity to ask questions and answer any questions they may have. If the officer is unable to answer, the officer shall inform the person requesting the information.
- Explaining actions throughout the encounter.
- Being patient whenever possible, using active listening in order to give the person a voice, while also allowing the officer to gather all facts before drawing conclusions.
- Ensuring the length of an 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.
- Ensuring that the purpose of any detention is explained to the person stopped.
- If a person has been stopped and the reasonable suspicion for the stop is later dispelled, explaining to the person why the stop was made. If the stop was made in error, apologizing for the inconvenience.
- Providing the officer's name and JHPD identification number when requested, verbally, by using a business card or by writing it out.
- Requesting a supervisor to allow individuals to voice their concern related to the contact if requested by the individual or if the individual expresses an intention to make a complaint.
- Expressing appreciation for the person's cooperation during the encounter.

**D.** In conformance with JHPD Directive #401, De-escalation, officers shall employ de-escalation tools, such as treating the individual respectfully and slowing down the encounter whenever possible. Using de-escalation strategies not only decreases the likelihood that force may need to be used or a violent outcome will result, but it also allows the officer to listen to and communicate productively with the person.

**E.** Additional de-escalation tools that will be helpful to secure a non-violent outcome and to advance Procedural Justice that should be utilized by officers include, but are not limited to:

- Verbal tools, such as listening to the person in order to give them a voice, and then explaining what the officer is doing, what the person can do, and what will happen; explaining why the officer is taking action and showing that the reason for that action is fair; and treating the person with dignity throughout the interaction.
  - Physical tools, such as moving to a safer position, communicating from a safer position, diminishing potential threat by using distance.
- F.** Unless a police officer or someone else is in imminent danger of harm, officers shall consider whether any lack of compliance may be due to the person's inability to comply. Reasons why someone may be unable to comply include a person's:
- Medical condition,
  - Behavioral health disability,
  - Developmental disability,
  - Physical limitation,
  - Language or cultural barrier, or
  - Drug or alcohol impairment.
- G.** Officers shall prioritize procedural justice with all persons with whom they interact. Applying procedurally just measures while engaging with individuals whose communities have historically tense relationships with police due to widespread marginalization and/or mistreatment may help address intergenerational trauma, relieve skepticism, and build trust. Such communities include students, immigrant communities, LGBTQ+ communities, racial minorities, and youth.
- As detailed in JHPD Directive #424, Arrest & Alternatives to Arrest and JHPD Directive #442, Traffic Control & Enforcement, officers using procedural justice as part of their work employ the most effective and least intrusive response to a violation of the law. This includes prioritizing the student conduct and process procedures and warnings for low-level infractions in lieu of criminal alternatives.
  - As detailed in JHPD Directive #106, Fair Impartial Policing, officers employing procedural justice as a regular part of their work will not only diminish potential public perception of bias, but also combat the impact of potential unconscious or implicit bias during interactions with the public.
  - Officers are reminded that youth are particularly attuned to procedural justice. A youth's earliest interactions with police can have a lasting impact on their perceptions of the legitimacy of the justice system and their likelihood of reoffending.
  - Additionally, officers should be mindful of the fact that not all law enforcement encounters with young people are best dealt with through the



criminal justice system, and diversion / deflection strategies may provide a more effective resolution than traditional enforcement methods. See JHPD Directive #426, Interactions with Youth for enforcement guidance.

## II. Compliance

JHPD supervisors shall regularly review investigatory, and vehicle stops as a regular part of their duties to ensure compliance with this written directive. See JHPD Directives #424, Arrest & Alternatives to Arrest and #442, Traffic Control & Enforcement.

- A. When a supervisor or commander identifies strong examples of procedural justice being implemented by their subordinates, they shall praise the officer and consider its applicability for use in the officer’s performance evaluation, during future JHPD training, and official commendation when the incident is of particular note.
- B. When a supervisor or commander identifies a violation of this Directive, the supervisor shall take appropriate corrective action in accordance with JHPD procedures governing disciplinary action.
- C. All officers will receive training on this Directive.

## 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 Professional Standards Unit.

## Related Resources

<b>University Policies and Documents</b>
Conduct & Responsibility #103, Rules of Conduct Conduct & Responsibility #106, Fair & Impartial Policing Conduct & Responsibility #111, Duty to Intervene Operational Procedure #424, Arrest & Alternatives to Arrest Operational Procedure #426, Interactions with Youth Operational Procedure #442, Traffic Control & Enforcement
<b>External Documentation</b>
<a href="#">Principles of Procedurally Just Policing, The Justice Collaboratory at Yale Law School</a>
<b>Police Department Forms and Systems</b>

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## Contacts

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

DRAFT