



Cover Memorandum

Duty to Intervene, JHPD Directive #111

Purpose of the Directive

The purpose of this Directive is to set forth the legal, ethical, and affirmative duty of all members of the Johns Hopkins Police Department (JHPD) to intervene to prevent or stop misconduct and/or other problematic behaviors by any other member of the public safety team.

Summary of Directive Requirements

The Directive establishes guidelines for members of the JHPD to comply with their legal obligation under state and federal law to intervene. It instructs members on intervention and active bystandership strategies and techniques and outlines existing directives for intervening in and reporting misconduct.

Specifically, it dictates that all members of the JHPD must recognize and act upon the affirmative duty to intervene to prevent or stop any member of the JHPD or other department involved in any act that is unethical or that runs a reasonable risk of violating law or directive. This includes, but is not limited to: excessive force; stops, searches, and arrests that are unconstitutional or violate a JHPD directive; discriminatory policing; retaliation against individuals engaged in assemblies; demonstrations or other acts of expression protected by the First Amendment; and any use of inappropriate language or discourteous language to members of the public. It provides for verbal and physical intervention when necessary, depending on the urgency of the situation and the potential level of misconduct and/or problematic behavior.

Finally, it includes an anti-retaliation provision, as well as reporting and supervisory requirements related to intervention.

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

DUTY TO INTERVENE

CONDUCT & RESPONSIBILITY #111

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

This Directive establishes guidelines for members of the Johns Hopkins Police Department (JHPD) to comply with state law regarding the duty to intervene, instructs members on intervention and active bystandership strategies and techniques, and outlines existing directives for intervening in and reporting misconduct.

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 set forth the legal, ethical, and affirmative duty of all members of the JHPD to intervene to prevent or stop misconduct or other problematic behaviors by any other member of the public safety team. Although this Directive describes the duty of all

members to intervene actively and when warranted, this Directive creates no new reporting requirements for members beyond their existing duty to report misconduct.

Definitions

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| Active Bystandership: | To not only witness a situation, but to take action to keep a situation from escalating or to disrupt a problematic situation. |
| Intervene: | To verbally or physically interact with another member to prevent or alter a result or course of events. |
| 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.). |
| Misconduct: | Action, inaction, and/or failure to act by any member of the JHPD, civilian or sworn, that violates police department written directives, the Constitution of the United States, or the law, including but not limited to criminal acts, applicable civil laws, administrative rules, or regulations. |
| Officer: | All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD. |

Policy

The JHPD recognizes the important role that peer intervention and Active Bystandership play in reducing harm for both members and the community. Intervening can prevent or stop member misconduct, reduce harm to individuals, and preserve the integrity of the Department.

Core Principles

The JHPD is committed to creating a work environment that promotes Active Bystandership and accountability, encourages proactive intervention, and does not tolerate retaliation for intervention.

- I. **Ethical Policing.** The JHPD is a proud proponent of the peer intervention program, Ethical Policing is Courageous (EPIC) and is committed to joining the Active Bystandership for Law Enforcement (ABLE) Project. By actively preventing or stopping misconduct and/or other problematic behavior, we will preserve the integrity and legitimacy of the JHPD and promote a culture of accountability.

- II. **Community Safety & Wellness.** A member's duty to intervene is rooted in the JHPD's commitment to community service and treating the public fairly, respectfully, and with every effort to preserve human life, value, and dignity in all situations. Intervention can build community trust through accountability in problematic incidents

III. Officer Safety & Wellness. A member's duty to intervene is rooted in the JHPD's commitment to the safety and wellness of our personnel. In addition to keeping our community safe and providing better service, intervention will also lead to fewer complaints, higher morale, and a healthier work environment. Preventing misconduct also preserves job security and the integrity of all members of the JHPD, ultimately protecting those involved from jeopardizing their careers as a result of misconduct or, in some instances, as a result of a failure to intervene to prevent misconduct by others. A more accountable and healthy police department restores community trust and aids in the shared policing goals of the community and the Police Department, which ultimately leads to a safer community.

Procedures

I. General

- A. All members of the JHPD must recognize and act upon the affirmative duty to intervene to prevent or stop any member of the JHPD or other department involved in an occurrence from conducting any act that is unethical or that runs a reasonable risk of violating law or policy, including:
- Excessive force, including intentionally escalating an encounter absent a lawful, necessary purpose.
 - Stops, searches, and arrests that are unconstitutional or violate JHPD policy.
 - Unlawful or unsafe restraint, including but not limited to, leaving a detainee in a prone position, unsupervised, or in a manner that causes undue risk of injury.
 - Discriminatory policing, as prohibited by JHPD Directive #106, Fair and Impartial Policing.
 - Retaliation against an individual participating in a First Amendment-protected activity.
 - Theft, fraud, or waste.
 - Inappropriate language, including discourteous language to members of the public.
 - Sexual misconduct.
 - Harassment.
 - Falsifying documents.

- Other inappropriate behavior.
- B.** All members have an affirmative duty to Intervene when they see unsafe behavior and/or bad tactics, corner-cutting, and signs of a fellow member’s stress and/or mental health issues that are affecting their performance.
- C.** Interventions may be verbal and/or physical depending on the urgency of the situation and the potential level of misconduct and/or problematic behavior.
- D.** If apparent signs of substance abuse, stress and/or mental health issues are affecting a colleague’s performance, members may intervene by:
- Connecting their colleague to the Johns Hopkins University Onsite Clinical Care Team by calling 888-978-1262, and/or,
 - Referral to the [Johns Hopkins Employee Assistance Program \(JHEAP\)](#). Additional information on JHEAP, is available on the Johns Hopkins Benefits Intranet Site, and/or
 - Reporting the concerns to a supervisor.
- E.** Instances of a successful member intervention may be referred to the Chief of Police for formal recognition in conformance with JHPD Directive #312 Awards.

II. Anti-Retaliation

- A.** The JHPD will not tolerate retaliation against any member who attempts to intervene or successfully intervenes as described above.
- B.** No member shall punish, target, or otherwise ostracize another member for attempting to intervene or successfully intervening.
- C.** Members shall report any retaliatory behavior they observe or of which they become aware as soon as possible in conformance with JHPD Directive #350, Complaints Against Police Personnel.
- D.** All reported incidents of retaliation related to the duties articulated in this directive shall be investigated in conformance with JHPD Directive #350, Complaints Against Police Personnel.

III. Required Action

When Misconduct occurs, members shall report it in conformance with JHPD Directive #350, Complaints Against Police Personnel. When Misconduct is prevented, there is no reporting requirement (because there is no misconduct to report), however, members — with the consent of the intervened-upon — may report a successful intervention.

A. Members shall:

- Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to engage in unethical or inappropriate behavior. Examine the circumstances surrounding the incident to determine the appropriate form of Intervention.
 - Intervene verbally or physically, depending on the circumstances.
 - Take an active approach to intervene to stop any unethical behavior or misconduct when such conduct is being committed by another member.
- If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved when it is safe and feasible while preserving officer safety (e.g., maintaining tactical advantage over a suspect).
- If the other member is receptive to the intervention, and the unethical conduct is avoided, members may proceed with their duties. If no misconduct occurs, there is no reporting requirement.
- If the other member is not receptive to the intervention and misconduct occurs, members shall immediately contact a supervisor to respond to the scene and ensure that their body-worn camera is activated.

B. Supervisors shall:

- If appropriate, consider making a recommendation to the Chief of Police that the member who intervened receives an award for their actions.
- If misconduct occurs, supervisors shall report it as soon as practical in conformance with JHPD Directive #350, Complaints Against Police Personnel.

C. Commanders, Deputy Chiefs, and the Chief of Police shall:

- Consider attempts to intervene or the reception of intervention as mitigating factors in disciplinary decisions resulting from misconduct investigations as appropriate.
- Ensure any act of retaliation against a member related to an intervention effort is referred to the Public Safety Accountability Unit (PSAU) for investigation.

D. Training

- The Public Safety Training Section shall provide introductory and ongoing training to all members on Ethical Policing is Courageous (EPIC) and the

specific requirements of this Directive and keep records of all trainings provided.

Policy Enforcement

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

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| University Policies and Documents |
| Conduct & Responsibility #106, Fair & Impartial Policing Personnel Procedure #350, Complaints Against Police Personnel Personnel Procedure #312, Awards |
| External Documentation |
| Active Bystandership for Law Enforcement (ABLE) Project |
| Police Department Forms and Systems |
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Contacts

| Subject Matter | Office Name | Telephone Number | Email/Web Address |
|---|-------------|------------------|-------------------|
| Policy Clarification and Interpretation | | | |