



## **Cover Memorandum**

### **Civilian Review Board Complaint Procedures, JHPD Directive #354**

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

This Directive serves to establish the Johns Hopkins Police Department (JHPD)'s procedures for its interactions with the Baltimore City Civilian Review Board (CRB) and how the JHPD will conduct and collaborate on investigations regarding misconduct that are within the CRB's statutory purview.

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

This Directive explains that all members are required to follow the requirements of JHPD's directive on complaints, investigations, and discipline for all complaints. It emphasizes that any complaint which the Public Safety Accountability Unit (PSAU) classifies as CRB-eligible shall be forwarded to CRB within 48 hours of its receipt by PSAU (unless that falls on a weekend or holiday, in which case it shall be forwarded the following business day).

The Directive clarifies that if a case is not initially classified as being CRB-eligible, but a CRB allegation arises during the investigation, it shall be forwarded to CRB within two business days. It also requires that PSAU initiate a case for every complaint referred to it by CRB if it has not already initiated a case for the incident.

The Directive continues by explaining that PSAU shall aim to complete investigations within 45 days, but if it requires more than 90 days to complete an investigation within CRB's jurisdiction, it shall submit a request for an extension, showing good cause, to CRB.

The Directive states that if CRB is conducting a concurrent investigation, PSAU shall meet with the CRB investigator and attend all CRB meetings where the matter is discussed. PSAU is required to be accessible to CRB communications including providing all evidence, materials, and information – even if PSAU determines it's not relevant to the investigation – to CRB (unless confidential); that PSAU members shall consult with their supervisor or supervisor's designee if they have questions about what can be shared; that the PSAU Director or Director's designee shall be available to the CRB Administrator, Chairperson, or designees to resolve concerns; and that all communications between PSAU and CRB about a specific case shall be documented in the PSAU case file.

The Directive explains the process for adjudicating cases with CRB findings, and that the Chief of Police shall make their final decisions as to discipline after reviewing the CRB's recommendation and in accordance with the Police Accountability and Discipline Act. In cases where CRB has rendered a sustained finding and PSAU has rendered a different finding, the PSAU Director shall meet with CRB to attempt to reach an agreement, and if none is reached, the Chief of Police or their designee will make a final decision.

## **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  
CIVILIAN REVIEW  
BOARD COMPLAINT  
PROCEDURES

PERSONNEL  
PROCEDURE #354

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 Baltimore City Civilian Review Board (CRB) was established by the Code of Public Local Laws of Baltimore City to have jurisdiction over certain allegations of police misconduct involving members of the public in Baltimore City, consisting of the following allegations: abusive language, false arrest, false imprisonment, harassment, and/or excessive force. The Johns Hopkins Police Department (JHPD) is committed to collaboration and transparency with the CRB throughout the investigation and discipline process, recognizing that both the CRB and JHPD have mutual goals of integrity, transparency, and building community trust and confidence by holding accountable JHPD officers who have committed misconduct. JHPD will fulfill all its responsibilities to the CRB process, as required by this Directive and Baltimore City law.

Who is Governed by this Policy

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

## Purpose

This Directive serves to establish JHPD’s procedure for interacting with the CRB regarding misconduct cases that are within the CRB’s statutory purview. This Directive also aims to provide transparency to both the public and JHPD officers about how the Department will conduct and collaborate on investigations that fall within CRB’s jurisdiction.

## Definitions

<b>Abusive Language:</b>	The use of remarks intended to be disrespectful, demeaning, humiliating, mocking, insulting, or belittling. Such remarks may also be indicative of bias if they are based on the actual or perceived race, color, religion, sex, national origin, sexual orientation, or gender identity of an individual.
<b>CRB-Eligible:</b>	This describes a complaint or a case where the complaint alleges or contains at least one of the five misconduct allegations under CRB’s jurisdiction (abusive language, false arrest, false imprisonment, harassment, and excessive force).
<b>Excessive Force:</b>	The use of greater physical force than reasonably necessary to repel an attacker or terminate resistance. It does not include force that is reasonably necessary to effectuate a lawful purpose.
<b>False Arrest:</b>	An arrest made without legal justification.
<b>False Imprisonment:</b>	The intentional restriction without legal justification of the freedom of movement of a person who is aware of the restriction and who does not consent.
<b>Harassment:</b>	For the purposes of this directive, repeated or unwarranted conduct that is intended to be overtly disrespectful, demeaning, humiliating, mocking, insulting, or belittling, or any conduct that is intended to cause unnecessary physical discomfort or injury. Harassment does not include conduct that is reasonably necessary to effectuate a lawful purpose. This does not include workplace harassment as defined by the JHU’s Office of Institutional Equity’s Discrimination and Harassment Policies and Procedures.
<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.

## Core Principles

- I. Trust and Respect,** To achieve constitutional, accountable, effective, and respectful policing, there must be trust between the police and those they serve. It is paramount that the police treat all persons with respect, fairness, and dignity. The Public Safety Accountability Unit (PSAU) serves to ensure that JHPD’s officers abide by the spirit and letter of the laws and policies governing their actions. PSAU also ensures that integrity, transparency, and collaboration are prioritized through interactions with the civilian oversight entities charged with

providing additional oversight of its officers.

**II. Accountability**, JHPD openly and readily receives all complaints reported by the public and JHPD officers, and it fully, fairly, and effectively investigates all complaints. JHPD also fully collaborates with civilian oversight bodies on cases under their jurisdiction to ensure officer accountability, where complaints are sustained against any JHPD officer, the officer will be held accountable for their actions via a fair, objective, and consistent system that complies with due process.

**III. Accountability Systems**, Through transparent and consistent systems to receive, properly classify, investigate, track, monitor, and adjudicate complaints, JHPD ensures that its operations are functioning effectively. As issues arise that point to deficiencies or problems with these systems, including those raised by civilian oversight bodies, JHPD will resolve them to ensure that its accountability systems are reliable and trustworthy.

## Procedures

### I. Required Actions

- A. An individual who claims to have been subjected to or witnessed an act of abusive language, harassment, false imprisonment, false arrest or excessive force by a JHPD officer, or an injury allegedly resulting from excessive force caused by a JHPD officer, shall be informed that they may file a complaint at the JHPD PSAU, the Maryland Legal Aid Bureau, the Maryland Commission on Civil Rights, the Office of Equity and Civil Rights, or any JHPD station.
- B. Any complaint received by JHPD which falls within the CRB's jurisdiction shall be forwarded by JHPD's PSAU to the CRB.
- C. All officers of the JHPD shall follow the requirements of JHPD Directive #350, Complaints against Police Personnel, when accepting complaints.
- D. Any complaint received by a JHPD officer shall be forwarded to PSAU prior to the end of that officer's shift. PSAU is responsible for properly classifying each complaint it receives and forwarding all complaints (along with all available accompanying information or materials) deemed CRB-eligible to the CRB within 48 hours of its receipt by PSAU (unless the 48 hours falls within a weekend or holiday, in which case the complaint form should be sent the following business day).
  - If a PSAU case was initially not classified as CRB-eligible but during the investigation PSAU discovered CRB-eligible allegations, PSAU shall inform the CRB of the case within two (2) business days of the discovery and forward all available case materials to the CRB in that same time frame.
  - Consistent with JHPD Directive #350, Complaints against Police Personnel, complaints initiated by JHPD members that exclusively

concern internal employment matters and do not involve a JHPD officer interacting with the public as law enforcement will not be forwarded to the CRB or the Baltimore City Administrative Charging Committee (BCACC).

- E.** All complaints JHPD receives from the CBR shall be investigated by PSAU. Therefore, if PSAU receives a complaint from the CRB for which PSAU does not already have an initiated case, PSAU shall open an investigation into the allegations and complete an investigation.
- F.** For all administrative investigations being conducted by PSAU that fall within the CRB's jurisdiction, the PSAU Commander shall submit a report on the findings of the investigation to the CRB within 45 days from the date of the complaint. If PSAU requires more than 90 days to conduct the investigation, PSAU shall submit a request to the CRB to extend the time allowed to complete the investigation. PSAU must show good cause for the request to extend the investigation timeframe.
- G.** The CRB may simultaneously investigate any complaint under its jurisdiction that it deems appropriate to investigate and will report the findings to the PSAU. Where the CRB elects to investigate a matter within its jurisdiction, PSAU shall meet with the investigator and attend all CRB meetings where the JHPD matter will be discussed.
- H.** PSAU shall be accessible and responsive to communications and requests from CRB.
- PSAU must turn over evidence, materials, and information that it has, even if the investigator determines that it is not relevant to the investigation, with the exception of criminal history information or other information that is otherwise subject to confidentiality protections under law.
  - If investigators of the PSAU have any questions about whether information should be shared with or transmitted to the CRB, the investigator shall consult with the PSAU commander or their designee.
  - The PSAU commander or designee shall also be available to receive inquiries or complaints from the CRB administrator, the CRB chairperson, or a designee if concerns arise that cannot be resolved at the detective or sergeant level.
  - All communications between PSAU and CRB about a specific case or investigation shall be documented in the PSAU case file.
- I.** The CRB, consistent with its bylaws, will review the PSAU investigation and the CRB's investigative report, if applicable, and will recommend to the Police Chief any of the following findings: (CALEA 26.3.8)
- Sustained

- Not sustained
  - Exonerated
  - Unfounded
  - Request further investigation by PSAU
- J.** Findings and recommendations of the CRB will be submitted to the Police Chief within 30 days of receipt of the investigative report(s).
- Note: This process will not affect JHPD’s procedures for administrative suspensions or dismissals.
- K.** For CRB investigations, "not sustained" findings and cases deemed exonerated will be forwarded to the commander of PSAU who shall notify the accused officer in writing of the findings.
- L.** When the CRB has rendered a “sustained” finding, and PSAU has rendered a finding of “not sustained,” “exonerated,” or “unfounded” for the same case, the CRB shall inform the PSAU commander of the contradictory findings. The PSAU commander will meet with the CRB to reach an agreement on the finding. If there is no agreement, the Police Chief or a designee will review both findings and make a final decision.
- M.** The Police Chief must follow the Police Accountability and Discipline Act, Maryland Code Public Safety, Title 3, Subtitle 1, requirements for discipline, and apply this to the decision about appropriate disciplinary action. No final action will be taken until the Police Chief has reviewed the recommendation of the CRB.
- N.** Except for the PSAU report, the CRB will be the custodian of all records of the CRB complaint and proceedings.
- O.** The PSAU shall retain sole custody of the PSAU report.
- P.** CRB procedures shall be explained to JHPD officers during entrance level and in-service training.

## Policy Enforcement

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

## Related Resources

<b>University Policies and Documents</b>
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Personnel Procedure #350, Complaints against Police Personnel
<b>External Documentation</b>
Baltimore City Code of Public Local Laws of Baltimore City (P.L.L.), § 16-41 – 16-54. Baltimore Police Department Policy 307, “Civilian Review Board Complaint Procedures.” Baltimore Police Department Public Integrity Bureau Internal Operations & Training Manual CBR Bi-Laws, available at: <a href="https://civilrights.baltimorecity.gov/sites/default/files/CRB%20Bylaws%20Approved%202023.3.22.pdf">https://civilrights.baltimorecity.gov/sites/default/files/CRB%20Bylaws%20Approved%202023.3.22.pdf</a>
<b>Police Department Forms and Systems</b>
<a href="https://powerdms.com/ui/login">https://powerdms.com/ui/login</a>

### Contacts

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