



Cover Memorandum

De-escalation, JHPD Directive #401

Purpose of the Directive

The purpose of this Directive is to affirm and instruct all members of the Johns Hopkins Police Department (JHPD) on the requirement and responsibility to utilize De-escalation Techniques to reduce threats, gain the voluntary compliance of persons, and safely resolve all encounters with community members, without resorting to the use of force.

Summary of Directive Requirements

This Directive requires that when time and circumstances reasonably permit, JHPD members shall use de-escalation techniques to reduce threats, gain the voluntary compliance of persons, overcome resistance or aggression, and safely resolve all situations, conflicts, and citizen encounters, without resorting to the use of force. The Directive provides members with several de-escalation techniques, including verbal and physical de-escalation, requests for resources or specialized personnel and techniques to slow the pace of the interaction.

This Directive infuses procedural justice into de-escalation by requiring members to use the Listen and Explain with Equity and Dignity framework to verbally de-escalate. The Directive also educates members on special circumstances that may be present during incidents when de-escalation may be necessary and how to consider them, including complete disengagement when it is in the best interest of justice.

In addition, this Directive mandates training in the Integration of Communication, Assessment, and Tactics (ICAT) De-Escalation Program before completion and release from the Field Training and Evaluation Program. ICAT is a training program that provides first responding police officers with the tools, skills, and options they need to successfully and safely defuse a range of critical incidents. Developed by the Police Executive Research Forum (PERF) with input from hundreds of police professionals from across the United States, ICAT takes the essential building blocks of critical thinking, crisis intervention, communications, and tactics, and puts them together in an integrated approach to training.

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

DE-ESCALATION

**OPERATIONAL
PROCEDURE #401**

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 sanctity of human life is paramount. Johns Hopkins recognizes and respects the value of all human life and views the preservation and improvement of human life as central to its mission. It is therefore the policy of the Johns Hopkins Police Department (JHPD) to seek to avoid any use of force by applying de-escalation strategies. When de-escalation is not possible, officers may only use the least amount of force that is reasonable, necessary, and proportional to control an incident, effect an arrest, or protect themselves or others from harm or death. Each member has a duty to intercede to prevent the use of unreasonable or excessive force by other members of the public safety team toward any person, render aid to those injured, and report 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 affirm the responsibility of all members of the JHPD to utilize de-escalation techniques to reduce threats, gain the voluntary compliance of persons, and safely resolve all encounters with community members. When feasible, de-escalation will reduce the need for force and allow members to secure their own safety as well as the safety of the public.

Definitions

De-escalation:	The process of reducing, stabilizing, eliminating, or defusing the level of agitation, aggression, conflict and tension in a situation or encounter.
De-escalation Techniques:	Actions, techniques, and/or tactics taken or used by members that are designed to eliminate the need to use force to resolve a situation. De-escalation techniques include: talking to a person using a tone of voice and language that is not aggressive or confrontational; creating space or placing barriers between the member and the person; waiting the person out when circumstances permit; permitting a person to move about when safe; permitting a person the opportunity to make statements or ask questions; slowing down the pace of an incident; tactical repositioning; and requesting additional resources. The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully.
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 are not limited to actual or perceived identity, race, color, ethnicity, national origin, language, gender, gender identity or expression, sexual orientation, marital status, mental, intellectual, or physical disability, age, religion, housing status, or socioeconomic status.
Totality of Circumstances:	All facts and circumstances surrounding any event, including circumstances earlier in the interaction leading up to an officer's use of force.

Policy

The use of de-escalation techniques and tactics shall be incorporated into all JHPD interactions with community members whenever possible to gain voluntary compliance and decrease the chances that any given encounter will end in the use of force or violence. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 4.1.1)

Core Principles

JHPD members shall continuously assess each situation and adjust their response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty includes the continuous assessment of circumstances before and after the member uses force in accordance with the following core principles:

- I. **Sanctity of Human Life**: Members shall make every effort to preserve human life in all situations.
- II. **Value of All Persons**: All human beings have equal value and worth, and members of the Police Department shall respect and uphold the value and dignity of all persons at all times.
- III. **Avoiding Escalation**: Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
- IV. **Peaceful Resolutions**: Members shall avoid the use of force unless it is not possible to do so.
- V. **Reasonable, Necessary, and Proportional**: Members shall use only the force that is reasonable, necessary, and proportional to respond to a threat or resistance to safely resolve an incident and will immediately reduce the level of force as the threat or resistance diminishes.
- VI. **Prohibition on Retaliatory Force**: Members are prohibited from using force to retaliate against persons engaged in acts of expression protected by the First Amendment as described in JHPD Directive #486, Assemblies, Demonstrations and Disruptions of Campus Activities or to punish persons for fleeing or resisting arrest, assaulting a member, or for any other reason.
- VII. **Duty to Intervene**: Members shall intervene to prevent abusive conduct or the use of retaliatory and excessive force by another member in conformance with JHPD Directive #111, Duty to Intervene. (CALEA 1.2.10)
- VIII. **Accountability**: All members shall be held accountable for any use of force that violates the law or JHPD policy and procedures.

Procedures

JHPD members shall use de-escalation techniques—whether verbal or physical—whenever possible.

I. **General**

- A. De-escalation techniques seek to minimize conflict and the need to use force during an incident, thereby increasing the likelihood of voluntary compliance, lessening the amount of force that may be needed, and decreasing the risk of harm to JHPD members, subjects, and members of the public.

- B. De-escalation techniques involve a range of tactics, techniques, and actions that can assist in slowing down or stabilizing an incident so that—when safe and feasible under the totality of circumstances—more time, options, and resources become available to safely resolve an incident.
- C. The employment of de-escalation techniques is especially important to maintain member and individual safety during encounters with children, youth, and persons experiencing behavioral health conditions or in crisis.

II. De-escalation Techniques

De-escalation techniques refer to a range of techniques that members may apply to calm an agitated person, promote rational decision-making, and de-escalate a situation, including verbal and physical de-escalation tactics and any other techniques, words, or actions intended to slow down an escalating event and calmly engage individuals in an encounter.

- A. Members must be mindful that the presence of multiple members who are issuing commands to an agitated person may escalate the incident by increasing the likelihood of miscommunication and is less likely to result in a peaceful resolution. Whenever possible, only one member should communicate with the person.
- B. Whenever possible, only one member should directly approach the person. The other members should keep a safe distance that allows for appropriate cover but avoids crowding the person.
- C. Additional supportive members who may be present should remain detached as much as safety permits.
- D. **Verbal de-escalation** refers to strategies for using the substance and manner of speech in a way that defuses and de-escalates situations. In addition to regulating vocal tone and pitch and speaking in a slow, calming voice, members will use the Listen and Explain with Equity and Dignity framework to verbally de-escalate:
 - **Listen:** Members should allow people to give their side of the story and have a voice. Members should use calming gestures and facial expressions when possible (e.g., arms extended with palms out; avoiding angry expressions).
 - **Explain:** Members should explain what they are doing, give the legal justification for the interaction, and explain what the individual can do (including leave if the interaction is a voluntary encounter) and what will happen.
 - **Equity:** Members should explain why they are taking action; the reason should be fair and show that the individual's statements and input were considered. Members should practice procedural justice, such as

responding to questions about why they are there or taking action when possible.

- **Dignity:** Members should act with dignity and leave the individual with their dignity. Members should share their name, ask the person their name, and exhibit a genuine willingness to listen.
- Members should echo the individual's statements, repeating them back to subjects to demonstrate that the member is listening.
- Members should communicate using verbal persuasion and advisement, which includes:
 - o Verbal persuasion: (e.g., explaining, without threats, how the person would benefit from cooperation).
 - o Verbal advisements (e.g., respectfully explaining the person's rights or what the police want the person to do).
 - o Avoid shouting commands whenever possible.

E. Verbal warnings: Unless unsafe or not feasible under the circumstances, members must communicate a verbal warning, notifying the person of the consequences of continued noncooperation and then offering the person a chance to cooperate, prior to using any type of force.

- Officers may not display weapons, including a Conducted Energy Weapon (CEW), a firearm, a baton, or Oleoresin Capsicum (O.C.) spray.

F. Physical de-escalation seeks to avoid physical confrontation, unless immediately necessary to prevent direct harm to others or to stop behavior that may result in serious harm to others. In addition to verbal de-escalation techniques, members will use physical de-escalation techniques, whenever possible, including:

- Moving temporarily to a safer position
- Communicating from a safe position, and/or
- Decreasing exposure to the potential threat using distance or concealment:
 - o Additional physical de-escalation techniques that may reduce exposure to the potential threat include tactical repositioning to a place of cover and/or of a ballistic shield or placing barriers between an uncooperative person and the responding members.
- Slowing the pace of the incident: Slowing down the pace of the incident by slowing speech, taking deep breaths, and applying the critical thinking framework, including:
 - o Waiting out the person
 - o Avoiding physical confrontation

G. Involving additional members or resources: Calling for extra resources outside of the person's hearing, whenever possible, such as:

- Additional police and public safety personnel.
- Specially trained members, such as Crisis Intervention Team-trained members, members of the Behavioral Health Crisis Support Team or behavioral health care providers, crisis negotiators, qualified bilingual members, etc.
- Members equipped with less lethal tools.

H. Disengagement

- Short-term backing away from the situation to create more time to observe the subject and plan for redeployment.
- Complete disengagement when it is in the best interest of justice, such as when the crime at issue is low-level property crime that has been resolved by officer presence.

- I.** Note: All members are reminded that citizens have the right to record and observe members in their public activity and criticize law enforcement through speech. During any interaction with a First Amendment auditor, members shall, at all times, remain calm, courteous and helpful, and shall avoid debates with such individuals on the scope of their legal rights or any other matter. The use of force against an individual lawfully engaged in such activity is prohibited, and members should seek to disengage if the interaction becomes confrontational. See JHPD Directives #110, Observing & Recording Police Services; #402, Use of Force; #486 Assemblies, Demonstrations & Disruptions of Campus Activities.

III. Responsibility

All members shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions, including immediately approaching a subject without proper evaluation of the situation, failing to leave sufficient space between the member and the subject, closing the reactionary gap, or escalating a situation.

- A.** When time and circumstances reasonably permit, members shall use de-escalation techniques to reduce threats, gain the voluntary compliance of persons, overcome resistance or aggression, and safely resolve all situations, conflicts, and citizen encounters without resorting to the use of force.
- B.** Members shall not use profanity and should avoid yelling or use of other verbal commands that may escalate the interaction.
- C.** As part of prearrival tactical planning, members should begin to think through de-escalation techniques and the critical thinking framework in accordance with JHPD Directive #402, Use of Force.

- D.** When time and circumstances reasonably permit, members shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
- Medical condition
 - Behavioral health disability
 - Developmental disability
 - Physical limitation
 - Language barrier
 - Drug interaction
 - Behavioral health crisis
- E.** Whenever possible, members must balance the awareness of factors that could create an inability to comply with lawful instructions issued by them against the facts of the incident facing the member when deciding on the best tactical option to bring the situation to a safe resolution. De-escalation techniques in these circumstances include:
- Establish and maintain one-on-one communication with the subject and avoid giving simultaneous directions or having multiple members verbally engaging the subject to avoid any confusion.
 - Consult with and/or request specialized units to respond, including but not limited to those related to behavioral health, tactics and/or negotiation, or bilingual members, to assist in de-escalating the situation, devising a disengagement strategy, or otherwise assisting in safely resolving the incident.
 - Consider a disengagement plan when the benefits to be gained by police intervention are clearly outweighed by the risks associated.
- F.** During encounters with children, youth, or persons experiencing behavioral health conditions or in crisis, members will employ developmentally appropriate, trauma-informed tactics including using a calm and natural demeanor and avoiding threatening language.
- Members will account for any fear-based reactions that children, youth, or persons experiencing behavioral health conditions or in crisis may experience during an encounter with law enforcement.
 - If attempts to de-escalate an encounter with a child, youth, or person experiencing a behavioral health condition or in crisis are unsuccessful to resolve the incident, and use of force is reasonable, necessary, and proportional, members shall consider personalized factors of the individual, including:
 - o Apparent age
 - o Body size
 - o Strength of the member relative to the individual
 - o The risk posed by the individual

G. Any force used shall be de-escalated immediately as resistance decreases. If the individual stops resisting, or is no longer posing a threat, the member must stop using force.

H. Supervisors: In addition to monitoring calls for service, the on-duty supervisor will ensure that an appropriate number of members respond promptly to an incident and:

- Assess the members' tactical positioning and/or deployment of specialized equipment (e.g., shield, CEW, less-lethal equipment).
- As needed, provide assistance with the use of de-escalation techniques and tactics to the members at the scene.

Following the incident, supervisors will assess whether the member successfully employed de-escalation techniques and tactics during a use of force review, and:

- Provide timely and constructive feedback directly to the member in conformance with JHPD Directive #407, Use of Force, Review, Assessment, and Investigation or refer the member to further training if deficiencies are noted.
- Proficiency in de-escalation techniques should be discussed during member performance reviews.

H. Duty to Provide Medical Assistance: After any Use of Force incident, members shall immediately render aid to any injured person consistent with their training and request additional medical assistance in conformance with JHPD Directive #402, Use of Force.

- If restrained, persons are not to be positioned face down, as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms.
- Restrained persons are to be placed in a seated position or on their sides and monitored for overall health and especially their ability to breathe.
- Members shall ask the restrained subject on body-worn camera if they can breathe and if they are injured.

I. Reporting Use of Force: Each member who uses force, or observes another member use force, shall immediately notify their supervisor, and accurately and completely report the Use of Force by the end of their duty shift in conformance with JHPD Directive #407, Use of Force, Review, Assessment, and Investigation. (CALEA 1.3.6)

IV. Training

- A. All members will receive training in the Integration of Communication, Assessment, and Tactics De-Escalation Program before completion and release from the Field Training and Evaluation Program.
- In addition, members must have received and become familiar with JHPD Directive #401, De-escalation, and Directive #402, Use of Force. The receipt of these Directives shall be documented in accordance with JHPD Directive #202, Written Directive System.
- B. The Public Safety Training Section will ensure that all members are compliant with Maryland Police Training Commission and legislative requirements regarding initial and in-service training on de-escalation and the appropriate use of force.
- Annually, in-service training will include a review of JHPD Directive #401, De-escalation and Directive #402, Use of Force. (CALEA 4.3.3, 33.5.1)

Policy Enforcement

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

Related Resources

University Policies and Documents
Conduct & Responsibility #110, Observing & Recording Police Services Conduct & Responsibility #109, Procedural Justice in Interactions Conduct & Responsibility #111, Duty to Intervene Operational Procedure #402, Use of Force Operational Procedure #407, Use of Force Review, Assessment & Investigation Operational Procedure #486, Assemblies, Demonstrations and Disruptions of Campus Activities
External Documentation

Police Department Forms and Systems

Contacts

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

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