



## Cover Memorandum

### Use of Force, JHPD Directive #402

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

The purpose of this Directive is to ensure that Johns Hopkins Police Department (JHPD) officers use de-escalation techniques when feasible, think critically, and do not use force against a person unless, under the totality of circumstances, the force is reasonable, necessary, and proportional to prevent an imminent threat of physical injury to a person or effectuate a legitimate law enforcement objective.

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

This Directive requires officers to use de-escalation to avoid the use of force. It states that officers shall avoid the use of force by using de-escalation techniques in accordance with JHPD Directive #401, De-escalation unless it is not possible to do so. This means that an officer must use time, distance, and cover to avoid the need to use force whenever it is possible to do so.

This Directive dictates that officers shall not use non-deadly force except when de-escalation techniques are not effective, appropriate or feasible, and no reasonable alternatives exist, and when, based on the totality of the circumstances, a reasonable officer would know that such action is reasonable, necessary, proportional to the aggression or resistance to prevent an imminent threat of physical injury to themselves or another person or to achieve another legitimate law enforcement purpose. .

Most importantly, this Directive mandates that officers shall not use Deadly/Lethal force, except as a last resort, when de-escalation techniques and less lethal force options are not effective or feasible, and only when a reasonable officer, based on the totality of the circumstances, would know that such action is immediately reasonable, necessary and proportional to protect themselves or another person from an imminent threat of death or serious physical Injury.

This Directive also includes specific circumstances to consider when evaluating whether force should be used, including youth, disability, and behavioral health crisis factors. The Directive includes specific prohibitions on the use of force, such as against a restrained person. The Directive addresses inherently risky situations such as shooting at vehicles and provides specific guidance to officers in those situations.

Finally, the Directive dictates that all JHPD officers have an affirmative duty to intervene to prevent the use of unreasonable or excessive force by other members of the public safety team toward any person, to render aid to those injured, and to report misconduct.

## **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.



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) that officers 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. Further, each officer has a duty to intercede to prevent the use of unreasonable or excessive force by other officers of the public safety team toward any person, render aid to those injured, and report misconduct.

The Policies and Procedures included within this Directive are in conformance with the requirements of the Maryland Use of Force Statute, MD Code, Public Safety, § 3-524.

## 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

The purpose of this Directive and procedures is to outline the protocols that must be followed whenever an officer exerts any degree of force in the performance of their duties. This Directive describes the very narrow parameters under which deadly force is authorized: the circumstances when an officer may legally discharge a firearm in the performance of their duties and the guidelines officers are to follow when exerting any degree of force in the performance of their duties.

## Definitions

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**Active Aggression:** Active Aggression is when a person presents an Imminent Threat of physical harm to the officer, or another person based on the Totality of the Circumstances. Examples include violent attacks or attempts to attack an officer or another person, with hand strikes, kicks, or attempted strikes or kicks with hands, fists, the head, elbows, knees, or an instrument. Even when confronted with Active Aggression, the officer is required to make every reasonable effort to de-escalate and to continuously assess their use of force.

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**Aggravated Aggression:** Aggravated Aggression is when a person presents an Imminent Threat of death or serious physical injury to the officer, or to another person based on the Totality of the Circumstances. Aggravated Aggression represents the least encountered but most serious threat towards an officer or other person. Even when confronted with Aggravated Aggression, the officer is required to make every reasonable effort to de-escalate and to continuously assess their use of force.

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**Anticipatory Force:** Force used by an officer against a person to prevent a potential, but not yet imminent, threat of physical harm, aggression, or resistance that an officer believes will, but has not yet, occurred based on observed or perceived verbal or non-verbal cues. Examples of prohibited anticipatory force include a pre-emptive hand strike or take down based on observing a person balling a fist, a possible visual cue of aggression, or bouncing their feet, a possible visual cue of potential resistance or flight.

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**Chokehold/Neck Hold:** The use of any maneuver on a person that applies pressure to the neck, throat, windpipe, or carotid artery that may prevent or hinder breathing, reduce intake of air, or impede the flow of blood or oxygen to the brain.

In addition, the JHPD prohibits the use of all these techniques, unless deadly force would be considered justified.

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**Conducted Electrical Weapon (CEW):** A weapon designed to discharge electrical impulses in two modes:

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	<ul style="list-style-type: none"> <li>• <b>Drive Stun</b> — Pulling the trigger on the CEW with the cartridge removed or discharged and placing the electrodes upon the skin/clothing of the person. Drive Stunning does not cause neuro-muscular incapacitation but causes significant pain.</li> <li>• <b>Probes Deployment</b> — Probes Deployment is the primary way that CEWs are used. With a cartridge attached, pulling the trigger fires two probes with barbs on the end that can penetrate the clothing or skin of a person. The two probes are connected to the CEW by wires and upon contact, if an electrical circuit is established, the CEW delivers pulsed electricity into the person and overrides the person's voluntary motor function. Probes Deployment also causes significant pain.</li> </ul>
<b>Deadly Force/Lethal Force:</b>	Any force likely to cause death or Serious Physical Injury, whether the officer intended to cause death or Serious Physical Injury or not.
<b>De-Escalation:</b>	The process of reducing, stabilizing, eliminating, or defusing the level of agitation, aggression, conflict and tension in a situation or encounter.
<b>De-escalation Techniques:</b>	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.
<b>Defensive Force:</b>	The use of hands, feet, or any other defensive weapon to overcome violent resistance or to protect self or others from assault or injury.
<b>Exigent Circumstances:</b>	Circumstances that would cause a reasonable belief that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, or the escape of a suspect.
<b>Feasible:</b>	Reasonably capable of being done or carried out to achieve the arrest or lawful objective without increasing risk of harm to the officer or another person.
<b>Imminent Threat:</b>	A person presents an Imminent Threat when the person has the means and ability to physically injure the officer or another person, and the officer reasonably believes the person intends to deliver that harm.
<b>Improvised Impact Weapon (IIW):</b>	An Improvised Impact Weapon (IIW) is a device or object that is not a department approved weapon but is nonetheless used as an impact weapon (e.g., flashlight, radio, or stick). Such weapons may be unpredictable, ineffective, or exert unexpectedly high levels of

	<p>damage (e.g., board with protruding nail). Consequently, officers shall use Improvised Impact Weapons only in rare, emergency conditions where officers lack an authorized Baton or other approved less-lethal alternatives, and use of an Improvised Impact Weapon is reasonable, necessary, and proportional to defend against a person displaying Active or Aggravated Aggression.</p>
<b>Legitimate Law Enforcement Objective:</b>	<p>An objective for which the law grants officers the legal authority to carry out. Examples of legitimate law enforcement objectives include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Effect a lawful arrest, detention, or search;</li> <li>• Overcome resistance or prevent escape of a person being lawfully detained;</li> <li>• Prevent the commission of a crime;</li> <li>• Defend themselves or others from an immediate threat of bodily harm;</li> <li>• Gain compliance with a lawful order; or</li> <li>• Prevent a person from injuring themselves—however, an officer is prohibited from using lethal force against a person who presents only a danger to themselves and does not pose an imminent threat of serious bodily injury or death to another person.</li> </ul>
<b>Less-Lethal Force:</b>	<p>Force that, when employed as designed, intended, and consistent with policy and training, is not likely to cause death or Serious Physical Injury.</p>
<b>Member:</b>	<p>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.).</p>
<b>Officer:</b>	<p>All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.</p>
<b>Positional asphyxia:</b>	<p>An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses their airway and does not allow them to breathe freely.</p>
<b>Physical Force:</b>	<p>An officer uses Physical Force any time they coercively touch, directly or indirectly, any person. Physical Force includes holding, grabbing, blowing, and striking as well as using instruments, such as batons, devices, CEWs, Oleoresin Capsicum (O.C) spray, canines, or firearms, whether lethal or less lethal.</p>
<b>Reasonable, Necessary, and Proportional:</b>	<p>All force must be reasonable, necessary, proportional and consistent with an officer's duty to de-escalate, in light of the Totality of the Circumstances that were known to the officer at the time force was used.</p>
<b>Reasonable:</b>	<p>An officer uses Reasonable Force when the officer uses no more force than an objectively reasonable officer would use to accomplish a legitimate lawful objective under the totality of the circumstances encountered by the officer. The reasonableness of force is evaluated in terms of what a reasonable officer would do</p>

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under the totality of circumstances known to the officer leading up to, and at the time of, the use of physical force, including the immediacy of the threat, the actions of the person against whom force is used, the actions of the officer, and the seriousness of the law enforcement purpose. JHPD's evaluation of whether physical force was reasonable includes assessing whether the officer made tactical decisions to minimize unnecessary risk to themselves and others, used all available and appropriate de-escalation tactics when possible, prior to using physical force and exercised reasonable care when using physical force. The facts and circumstances may include but are not limited to:

- All events and information known to the officer leading up to the use of force;
- The actions of the officer and the person against whom force was used leading up to, and at the time of, the use of force;
- Whether an offense has occurred;
- The nature of the offense;
- The seriousness of the offense;
- The size and strength of the person;
- The number of persons;
- The availability of weapons;
- Whether the person is exhibiting signs of mental illness or is experiencing a behavioral health crisis;
- Whether a person suffers from a medical or behavioral health condition, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier;
- Other force options;
- Availability of non-force options, including tactical repositioning, going to cover, or other De-Escalation Techniques;
- Environmental factors;
- Availability of back up and specialized units.

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**Necessary:**

Force is necessary only when no reasonably effective alternative exists under the totality of the circumstances that would safely and effectively achieve the same legitimate ends. When force is Necessary, officers shall use force in a manner that avoids unnecessary injury or risk of injury to officers and civilians. Even when the use of some force is necessary, however, an officer may use no more force than is reasonably required under the circumstances to accomplish the officer's legitimate ends.

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**Proportional:**

Proportionality measures whether the force used by the officer is rationally related to the level of resistance or aggression confronting the officer. It must correspond to and be appropriate in light of the severity of the threat or resistance confronting the officer or the objective that the officer aims to achieve. The proportionality requirement prohibits an officer from using force if the harm that is

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	likely to result from that degree and amount of force is too severe in relation to the resistance or aggression being met.
<b>Resistance:</b>	<p>Officers may face the following types of Resistance to legitimate lawful objectives:</p> <ul style="list-style-type: none"> <li>• <b>Active Resistance</b> — Active Resistance is when a person moves to avoid detention or arrest but does not attack or attempt to attack the officer or another person. Attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the officer’s grasp are all examples of Active Resistance. Verbal statements, bracing, or tensing alone do not constitute Active Resistance. A person’s reaction to pain caused by an officer or purely defensive reactions to force does not constitute Active Resistance.</li> <li>• <b>Passive Resistance</b> — Passive Resistance is when a non-assaultive person fails to comply with the officer’s commands without attempting to flee. Passive Resistance may include, but not be limited to, going limp, standing stationary and not moving based upon lawful direction, and/or verbally signaling an intention to avoid or prevent being taken into custody.</li> </ul>
<b>Retaliatory Force:</b>	Force used to punish persons for fleeing, resisting arrest, assaulting an officer, or for any other non-legitimate reason.
<b>Serious Physical Injury:</b>	Serious Physical Injury is when there is disfigurement or substantial disruption or harm to one or more body parts, organs, or systems.
<b>Special Impact Weapon:</b>	A delivery tool that, when used as designed and intended, is less likely to cause death or Serious Physical Injury than a conventional lethal weapon such as a firearm. Special Impact Weapons are only approved for use by officers who are certified in their uses and have obtained approval by a supervisor.
<b>Temporary Pain:</b>	Any pain or complaint of pain that is brief, does not result in injury, and is delivered as a means to gain compliance. Temporary Pain may result from the application of, but is not limited to, elbow grips, wrist grips, shoulder grips, pressure point techniques, and/or forcible takedowns.
<b>Totality of Circumstances:</b>	All facts and circumstances surrounding any event, including circumstances earlier in the interaction leading up to an officer’s use of force.
<b>Use of Force:</b>	The use of physical force or threat of force by an officer. It includes physical force or threats of force made in an assertive or defensive manner in order to detain or prevent escape, and/or control an individual and/or to prevent harm to self or others. It includes any techniques that cause pain or disorientation.

## Policy

The JHPD is committed to preserving and protecting all lives. The proper use of force is essential to ensure impartial policing and build trust in the community. Therefore, it is the policy of the JHPD that officers shall de-escalate all situations to avoid the use of force, when at all possible, and when no alternative to force exists, only use the least amount of force that is reasonable, proportional, and necessary to control an incident, effect an arrest, or protect themselves or others from harm or death. Further, all officers have a duty to intervene to prevent the use of unreasonable or excessive force by anyone, including any other officers of the public safety team toward any person, to render aid to those injured, and to report misconduct. (CALEA 4.1.1)

## Core Principles

- I. **Sanctity of Human Life.** Officers 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 officers of the JHPD shall respect and uphold the value and dignity of all persons at all times.
- III. **Avoiding Escalation.** Officers shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
- IV. **Peaceful Resolutions.** Officers shall avoid the Use of Force unless it is not possible to do so.
- V. **Reasonable, Necessary, and Proportional.** Officers shall use only the force that is reasonable, necessary, and proportional to respond to a threat or resistance to safely resolve an incident, and officers will immediately reduce the level of force as the threat or resistance diminishes.
- VI. **Retaliatory Force Prohibited.** Officers are prohibited from using force against persons engaged in First Amendment protected activities as described in JHPD Directive #486, Assemblies, Demonstrations, and Disruptions of Campus Activities and to punish persons for fleeing or resisting arrest, assaulting an officer, or for any other reason.
- VII. **Duty to Intervene.** Officers shall intervene to prevent abusive conduct or the use of retaliatory and excessive force by another officer in conformance with JHPD Directive #111, Duty to Intervene. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 1.2.10)
- VIII. **Accountability.** All officers shall be held accountable for any use of force that violates the law or JHPD policy and procedures.

## Procedures

The objective of any use of force or show of force under this policy is to establish and maintain lawful control of an incident or individual to minimize the potential for injury or death. Use of Force encounters are complex, stressful situations and have the inherent potential for rapidly changing circumstances. The assessment of a situation which could lead to use of force requires careful attention and continual assessment of de-escalation opportunities, threats, options, and risks, with the goal of resolving the encounter peacefully.

### **I. Use of Force in General** (CALEA) 1.2.1, 4.1.1, 4.1.4, 4.1.5)

Officers must conform their actions to the law, the United States Constitution, and JHPD directives, rules, policies, procedures, and training.

- A.** Pursuant to the Maryland Use of Force Statute, MD Code, Public Safety § 3-524, officers shall not use force against a person unless under the totality of the circumstances, the force is reasonable, necessary, and proportional to prevent an imminent threat of physical injury to a person or effectuate a legitimate law enforcement objective.
- In addition, an officer shall cease or reduce the use of force as soon as the person on whom force is used is under control or no longer poses an imminent threat of physical injury or death to the officer or to another person; or the officer determines that force will no longer accomplish a legitimate law enforcement objective.
  - When time, circumstances, and safety allow, an officer shall take steps to gain compliance and de-escalate conflict without using physical force. (CALEA 4.1.1)
  - When feasible, prior to any use of force, a verbal warning shall be issued to the subject and the officer will allow a reasonable period of time to allow compliance with the warning, unless exigent circumstances exist that would make it imprudent to do so.
  - All officers shall intervene to prevent or terminate the use of force by another officer beyond the use of force authorized above. This means that officers shall prevent or stop the illegal, inappropriate, or excessive Use of Force by other officers in conformance with JHPD Directive #111, Duty to Intervene. Failure to intervene may subject an officer to disciplinary action. (CALEA 1.2.10)
  - Finally, officers shall render basic first aid to a person injured as a result of police action and promptly request appropriate medical assistance and fully document all use of force incidents that the officer observed or was involved in. (CALEA 4.1.5)
- B.** Pursuant to this Directive, the use of Anticipatory or Retaliatory Force is prohibited in all circumstances.
- C.** Pursuant to this Directive, officers shall not:

- Use force to subdue a subject not suspected of any criminal conduct;
  - Use force against individuals who are solely engaged in exercising their First Amendment Activities, including verbally questioning or confronting officers (See JHPD Directive #486, Assemblies, Demonstrations, and Disruptions of Campus Activities);
  - Use force against a subject who is only verbally confronting officers;
  - Use defensive weapons to overcome only passive resistance; or
  - Use force solely to resolve a situation more quickly.
- D.** All equipment, authorized weapons, and techniques shall be used in a manner consistent with JHPD training, rules, policy, and procedures. While on duty, JHPD officers may only carry weapons that have been issued and authorized by JHPD and for which they are certified. (CALEA 4.1.4)
- E.** All officers shall submit a Use of Force Report in conformance with JHPD Directive #407, Use of Force, Review, Assessment, and Investigation as soon as practicable, but not later than 24 hours after the incident. (CALEA 4.2.1)

## **II. De-Escalation**

Officers shall, unless it is not possible to do so, avoid the Use of Force by using De-Escalation Techniques in accordance with JHPD Directive #401, De-escalation. This means that an officer must use time, distance, or cover to avoid the need to use force, whenever it is possible to do so.

- A.** De-escalation Techniques include, but are not limited to, verbal persuasion and warnings, slowing down the pace of an incident, waiting out persons, using barriers, creating distance (and thus the reactionary gap) between the officer and the threat, and requesting additional resources such as specialized units, crisis intervention team (CIT) trained officers, behavioral health care providers, or negotiators, before resorting to force. CIT-trained officers are those who have received advanced training in recognizing and de-escalating persons who are experiencing a behavioral health crisis.
- B.** De-escalation Techniques mitigate threats and give officers time to utilize extra resources and increase time available to call more officers or specialty units.
- C.** Officers shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a person without proper evaluation of the situation, failing to leave sufficient space between the officer and the person, closing the reactionary gap, or escalating a situation.
- D.** Officers shall not use tactics that unnecessarily escalate an encounter or create a need for force.

- E. Officers shall de-escalate force proportionately and immediately as resistance decreases. All use of force techniques should cease when compliance is achieved.

### **III. Response to Aggression and Resistance** (CALEA 4.1.1)

- A. Officers shall not use non-deadly force, except when de-escalation techniques are not effective, appropriate, or feasible, and no reasonable alternatives exist, and when, based on the totality of the circumstances, a reasonable officer would know that such action is reasonable, necessary, proportional to the aggression or resistance to prevent an Imminent Threat of physical injury to themselves or another person or to achieve another legitimate law enforcement purpose (such as to restrain or subdue a person who is lawfully being seized and is actively resisting or evading arrest or detention, or to bring an unlawful situation safely and effectively under control).
- B. Before using any force, officers shall issue a verbal warning to the subject and allow a reasonable period of time to allow compliance with the warning, unless exigent circumstances exist that would make it imprudent to do so.
- C. Use of non-deadly force by an officer in response to aggression or resistance requires a continual assessment of the person's behavior to allow for a reasonably necessary and proportional response. Officers must continually assess a person's behavior to allow for appropriate escalation / de-escalation in the use of force. All use of force must cease when it is no longer reasonable, necessary, and proportional, and must be reduced to a level that is reasonable, necessary, and proportional to the level of threat, aggression, and resistance posed by the person against whom the force is being used to achieve the legitimate law enforcement objective.
- D. Officers should use the decision-making model in [Appendix B](#), as guidance when evaluating an incident.
- E. An officer may perform actions which are required to turn, guide, handcuff, or escort a person who is exhibiting no, minimal, or passive resistance. These actions constitute de minimis force and are not considered reportable use of force under JHPD Directive #407, Use of Force, Review, Assessment, and Investigation.
- F. However, all compliant handcuffing shall be noted in the Incident Report related to the custodial arrest and all investigative stops shall be reporting in accordance with JHPD Directives #409, Field Interviews, Investigative Stops, and Weapon Pat-Downs and #424, Arrests and Alternatives to Arrests.

### **IV. Use of Deadly Force/ Lethal Force** (CALEA 4.1.2)

The most serious act in which a sworn officer can engage during the course of their official duties is the use of deadly force/lethal force. The use of Deadly Force/Lethal Force shall always be the last resort.

- A.** Officers shall not use Deadly/Lethal force, except as a last resort, when de-escalation techniques and less lethal force options are not effective or feasible, and when a reasonable officer, based on the totality of the circumstances, would know that such action is immediately reasonable, necessary, and proportional to protect themselves or another person from an Imminent Threat of death or Serious Physical Injury.
- B.** A verbal warning shall be issued to the person and the officer will allow a reasonable period of time to allow compliance with the warning, unless exigent circumstances exist that would make it imprudent to do so
- C.** Officers ARE PROHIBITED from using Deadly Force/Lethal Force to prevent the escape of a fleeing felon.
- EXCEPTION: Deadly/Lethal Force may be used where a reasonable officer, based on the totality of circumstances, would know such action is immediately reasonable, necessary, and proportional, and there is probable cause to know that:
    - o The person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death, and
    - o The escape of the person would pose an immediate Threat of Serious Physical Injury or death to the officer or another unless the person is apprehended without delay.
    - o When feasible, officers have identified themselves as law enforcement officers, have stated their intention to use Deadly Force/Lethal Force, and have given the person a reasonable opportunity to comply voluntarily, if time, safety, and the circumstances permit.
- D.** Officers shall continuously assess their use of Lethal/Deadly Force and immediately cease the application of Lethal/Deadly Force once the Imminent Threat of death or Serious Physical Injury to the officer or another posed by the individual is eliminated, the individual is under control, or the force applied will no longer accomplish a legitimate law enforcement objective, and discontinue all force or reduce their use of force to a level of non-Deadly/non-Lethal force that is reasonable, necessary, and proportional to the level of threat, aggression, and resistance posed by the person against whom the force is being used to achieve the legitimate law enforcement objective.
- E.** The authority to carry and use firearms and other defensive weapons in the course of public service is an immense power, which comes with great responsibility.
- A firearm should only be drawn and pointed at an individual, when an officer reasonably believes a potential for serious bodily injury or death to themselves or another person exists. The pointing of a firearm is a Level

One Use of Force that must be reported JHPD Directive #407, Use of Force, Review, Assessment, and Investigation. The unholstering or withdrawal of a firearm from the holster, without the firearm being pointed at an individual, is not considered a reportable use or threat of force.

- F.** While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury. Deadly Force/Lethal Force includes, but is not limited to:
- The discharge of a firearm at a person;
  - Strikes with any hard object such as a baton, flashlight, radio, weapon stock/handle, or Improvised Impact Weapon (IIW) to the head, neck, sternum, spine, groin, or kidneys;
  - Intentionally striking a person's head against a hard, fixed object such as a roadway, concrete floor, wall, or iron bars;
  - Knee strikes or kicks to a person's head;
  - Any strikes to a person's throat;
  - "Knee drops" against a prone or supine person's head, neck, or torso;
  - Chokeholds/Neck Holds;
  - Shooting or striking a person in the head, neck, chest, or back, with a Special Impact Weapon or less than lethal projectile released at close range.
  - The use of any force on a person whose health, age, condition, or circumstances make it likely death or Serious Physical Injury will result.
- F.** Officers should use the decision-making model in [Appendix B](#), as guidance when evaluating an incident.
- G.** Officers shall not use Deadly Force/Lethal Force unless de-escalation and Less Lethal Force options are not effective or feasible based on the Totality of Circumstances. This means that, if it is at all possible, for an officer to avoid the use of Deadly Force/ Lethal Force through the use of time, distance or cover, or any other de-escalation technique or through the use of non-deadly force, they must do so and cannot use Deadly/Lethal force.
- H.** An officer shall not resort to the use of deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm and achieve the legitimate law enforcement purpose.

- Disengagement, area containment, surveillance, waiting-out a subject, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation and should be considered.
  - The use of Deadly Force/Lethal Force shall always be the last resort.
- I. Prior to the decision to employ Deadly Force/Lethal Force, officers shall consider environmental considerations such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks to life.
- J. Where safety permits, an officer should identify themselves as a law enforcement officer and state their intention to use Deadly Force/Lethal Force before using a firearm or employing Deadly Force/Lethal Force.
- K. **Dangerous Animals** – The use of force against an animal, including Deadly/Lethal Force, shall be in conformance with this Directive.

## V. **Restrictions on the Use of Deadly/ Lethal Force**

- A. Deadly Force/Lethal Force shall not be used to subdue persons whose conduct is a threat only to property.
- B. Deadly Force/Lethal Force shall not be used against persons whose conduct is a threat only to themselves.
- C. **The following types of force are prohibited** unless the use of Deadly Force/Lethal Force is authorized, under **Section IV** above, and no reasonable alternatives exist:
- Discharge of a firearm at a person.
  - Strikes with any hard object, such as a baton, flashlight, radio, weapon stock/handle, or IIW to the person's head, neck, sternum, spine, groin, or kidneys.
  - Intentional strikes of a person's head against a hard, fixed object including, but not limited to, a roadway, concrete floor, wall, or iron bars.
  - Kneeing or kicking a person's head, neck, back, or torso, including "knee drops" onto a prone or supine person.
  - Intentionally deploying a CEW to the neck, chest, groin, or face of a person or under circumstances that it would create significant risk, such as when a person is on an elevated position, pregnant, or near water.
  - Application of Chokeholds/Neck Holds. (CALEA 4.1.6, 4.1.7)
  - Discharge of a Special Impact Weapon to the chest, neck, or head at close range.
  - The use of any force on a person whose health, age, condition, or circumstances make it likely that death or Serious Physical Injury will result.



- D. Firing warning shots or shooting in the air is prohibited. (CALEA 4.1.3)
- E. Firing into crowds is prohibited.
- F. Shooting from a moving vehicle is prohibited.
- G. Shooting at a moving vehicle is prohibited, except for the following limited circumstances:
- As a last resort, to counter an immediate threat of Serious Physical Injury or death to the officer or another person, by a person in the vehicle using means other than the vehicle.
  - When the vehicle is intentionally being used as a deadly weapon and all other reasonable means of defense have been exhausted.
    - o Officers shall not position themselves in the path of a moving vehicle where they have no option but to use Deadly Force/Lethal Force.
  - When the driver is attempting to use the vehicle as a weapon of mass destruction in an apparent terrorist or mass casualty attack.
  - Shooting at a moving vehicle is prohibited under this Directive for the following reasons:
    - o To avoid unnecessarily endangering innocent persons, both when inside the vehicle and in the vicinity.
    - o Bullets fired at a moving vehicle are extremely unlikely to disable or stop the vehicle.
    - o Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other officers or innocent bystanders.
    - o Moving to cover allows an officer to gain and maintain a superior tactical advantage and maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.

## **VI. Special Situations**

### **A. Restrained Persons**

Officers shall not use force against persons who are handcuffed or otherwise restrained, except in rare and exceptional circumstances where the Totality of Circumstances makes it reasonable, necessary, and proportional to prevent injury or escape. Officers are cautioned that force that may be proportional against an unrestrained person may not be proportional when used on a restrained person. As with any Use of Force, officers shall be required to use De-escalation Techniques and critical thinking in order to avoid the Use of Force.

- Officers shall not use force against a handcuffed or restrained person if the person's actions only present a risk of property damage.
- When feasible, prior to any use of force, officers will summon a supervisor in situations where they cannot properly and safely control or move a restrained person.
- All officers, secondary and supervisory, will monitor individuals in custody closely for the following high-risk indicators of sudden in-custody death and will request medical assistance as needed:
  - o Bizarre/violent behavior (prior to, during, and after arrest),
  - o Obesity,
  - o Drug or alcohol use,
  - o Ineffectiveness of spray, or
  - o Use of physical restraint techniques by officers.
- **Positional and Compression Asphyxiation** - Officers must recognize the heightened risk of positional asphyxiation and compression asphyxiation while using physical force to overcome resistance or aggression and be alert to any actions that must be immediately taken to avoid or minimize the risk of asphyxiation. Positional asphyxia can occur when a person is restrained, handcuffed, or left unattended in any position that impedes their ability to breathe normally, particularly in a prone position. If the person cannot escape from the position, death may occur very rapidly. Thus, in the course of using physical force, officers shall be alert to the following heightened risk factors for positional asphyxiation:
  - o alcohol or drug intoxication;
  - o possible mental health episode or incident;
  - o a substantially overweight individual;
  - o possible suffering of respiratory muscle fatigue (exhaustion);
  - o possible airway obstruction; and
  - o unconsciousness.
- Officers shall take the following actions to reduce the risk of positional and compression asphyxiation:
  - o As soon as the person is handcuffed or otherwise restrained, the officer shall immediately roll a person to the side and move them to an upright position that does not impede the mechanism of normal breathing. This requirement is especially important when the person is handcuffed in the prone position.
  - o The officer shall take care not to put sustained pressure on the chest, neck, or back, including by sitting, kneeling, laying, or standing on them, as breathing can be restricted even if the person is placed in the recovery position.
  - o The officer shall continuously monitor the person's condition while being restrained and ask if the person is having any trouble

breathing or has any injuries, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds.

- o Officers will affirmatively ask restrained individuals if they are experiencing any distress, dizziness, lightheadedness, or unusual fatigue, and request a medic for anyone who indicates they are.

## **B. Children and Youth**

As with any encounter, officers are expected to continually assess the situation, employ De-escalation Techniques, and seek peaceful resolutions during incidents involving children and youth. When feasible, officers should recognize and employ developmentally appropriate and trauma-informed tactics including, but not limited to, using a calm and natural demeanor and avoiding threatening language.

- When force against a child or young person is necessary, officers should consider personalized factors including apparent age, body size, strength of the child or young person relative to that of the officers on scene, and risk posed by the child or young person.
- In the case of injury resulting from a use of force, in addition to the requirements to render aid, officers shall summon medical care and notify a supervisor. The supervisor will notify the child or young person's parent, guardian, or another responsible adult as soon as practical.
- Officers shall not use any weapons or any non-de minimis force against a youth that is under the age of twelve (12) years old.

## **C. Persons in Crisis**

The Behavioral Health Crisis Support Team (BHCST) is the primary and preferred public safety response to individuals experiencing mental, behavioral, and emotional health crises. See JHPD Directive #416, Behavioral Health Crisis Dispatch.

- Notwithstanding, JHPD officers should be prepared to encounter, and to engage with, individuals in crisis as they assess a situation, as an individual's crisis status may be unknown to dispatch, prior to the encounter or be the manifestation of the situation as it unfolds.
- It is important that JHPD officers are aware that there may be many reasons a suspect may be incapable of responding to their commands. The individual may not be capable of understanding the gravity of the situation as a result of a variety of circumstances, including but not limited to alcohol or drug use, age, mental impairment, medical conditions, or language and cultural barriers. This may not make the individual any less dangerous. Recognizing the situation for what it is may lead to the use of more effective tactics without jeopardizing officer safety.
- Recognizing that mental illness, post-traumatic stress disorder, alcohol and/or drug addictions, or other health issues can cause individuals to

behave erratically, officers must try to de-escalate situations and minimize use of force when possible or avoid using force altogether.

- Only trained behavioral health professionals can diagnose behavioral health conditions, and they may even sometimes find it difficult to make such a diagnosis. Officers are not expected to diagnose behavioral health conditions, but rather to recognize behaviors that are indicative of persons affected by behavioral health conditions or in crisis, with special emphasis on those who suggest potential violence and/or danger. The following are potential signs and symptoms of such behavior:
  - o Strong and unrelenting fear of persons, places, or things;
  - o Extremely inappropriate or aggressive behavior for a given situation;
  - o Fear of being touched by another person OR the inability to control touching or grabbing other people;
  - o Frustration in new or unforeseen circumstances;
  - o Abnormal memory loss related to such common facts as name or home address;
  - o Delusions or beliefs in thoughts or ideas that are false, such as delusions of grandeur (“I am Christ”) or paranoid (“Everyone is out to get me”);
  - o Hallucinations of any of the five senses (e.g., hearing voices commanding the person to act, feeling one’s skin crawl, smelling strange odors); or
  - o The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.
  - o When possible, officers should request that a CIT officer and the BHCST respond to the scene to assist in the situation.

**D. Active Assailant**

Police response to an Active Assailant shall be in conformance with JHPD Directive #481, Active Assailant Response.

**E. Off Duty & Extra-Jurisdictional Carry**

In accordance with the Law Enforcement Officers Safety Act of 2004 (LEOSA), and as amended by the National Defense Authorization Act of 2013, Title 18 of the United States Code, Sections 926B & C, officers may wear and carry a concealed firearm anywhere within the United States of America, whether on- or off-duty, provided they do so in compliance with the Maryland law, state and local ordinances, and JHPD rules and procedures.

- Officer(s) may carry or wear a firearm concealed throughout the State of Maryland while off-duty to protect themselves or another from what is reasonably believed to be an imminent threat of death or serious bodily injury.
  - o Officers should only take extra jurisdictional or off–duty police action to prevent or stop an imminent threat of death or serious bodily injury,
  - o In all other circumstances, prior taking extra jurisdictional or off duty action, Officers first call 911 or otherwise summon on-duty law enforcement, and officers from the jurisdiction, and maintain a safe position of observation and help direct responding law enforcement officers.
- Off–duty officers may also carry or wear a firearm concealed outside the State of Maryland subject to compliance with the state and local ordinances of that jurisdiction, including;
  - o Laws that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
  - o Prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.
  - o Officer(s) are reminded that the LEOSA does not extend their general police powers outside the State of Maryland, only their authority to carry a firearm to protect themselves or another from what is reasonably believed to be an imminent threat of death or serious bodily injury.
- Off-duty officers shall not carry an agency-owned firearm after consuming any alcoholic beverages or any substance that is known to impair judgement.
- Any use of force by officer(s) of the JHPD, including off-duty officer(s), will be in conformance with this Directive.

## **VII. Responsibility**

### **A. Duty to Intervene (CALEA 1.2.10)**

In accordance with JHPD Directive #111, Duty to Intervene, officers have an affirmative duty to intervene when they observe an officer engaging in actions that run a reasonable risk of violating the JHPD’s policies or law. Intervention may be verbal and/or physical.

### **B. Duty to Provide Medical Assistance**

When there is a visible injury, complaint of injury, signs of medical distress, or when medical attention is requested by any person, officers shall immediately render aid consistent with their training and shall request that Emergency

Medical Service (EMS) respond to the scene or transport the person directly to the nearest hospital emergency room. The officers shall then notify their supervisor and the Communications Section. (CALEA 4.1.5)

- Officers shall ensure that any individual who has been subjected to impact by any type of Less Lethal Force, including CEW, impact weapons, or impact projectile, receive medical treatment.
- Officers shall always request EMS to the scene in the following instances:
  - o When an individual claims injury or requests medical attention;
  - o An injury to the individual is observed; or
  - o The level of force includes the use of a baton, O.C. spray, CEW, firearm, or any other object.
- If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If an audio or video recording is made of a contact with the individual, any refusal should be included, if reasonably possible. Officers must document the actions taken to identify and render aid to the person in the Use of Force Report.
- In instances of obvious fatalities, appropriate respect shall be paid to the remains of the person. In any situation where a deceased human body is in view of others and must remain pending the arrival of necessary officials (i.e., Coroner), officers shall take steps to shield the scene from public view, using vehicles or other available equipment. Additionally, officers shall be posted to help shield the scene and direct passersby away.

**C. Reporting Required** (CALEA 4.2.1.a.b.c.d)

Police officers will complete and submit a Use of Force Report to the on-duty supervisor in conformance with JHPD Directive #407, Use of Force Review, Assessment, and Investigation before finishing their tour of duty when any force greater than that required for compliant handcuffing has been applied, including weaponless control techniques, pointing or discharge of a firearm, and the use of a less lethal weapon, except where designated otherwise in this section.

**D. Annual Review & Analysis** (CALEA 4.2.4)

The Chief of Police or their designee shall conduct an annual review of use of force incidents, in conformance with JHPD Directive #407, Use of Force Reporting, Review, and Assessment.

**E. Training**

Prior to being issued or authorized to carry any firearm, officers must complete all required training and demonstrate a minimum proficiency score on the Maryland Police Training Commission (MPTC) qualification course in the use of any firearm or defensive weapon.

- In addition, officers must have received and become familiar with the JHPD Directive #401, De-Escalation and #402 Use of Force. The receipt of these directives shall be documented in accordance with JHPD Directive #202, Written Directive System.
- Annually, in-service training shall include training on JHPD Directive #401, De-Escalation and #402 Use of Force. Officers shall demonstrate knowledge and qualifying proficiency with any issued or authorized lethal firearm annually and biennially demonstrate knowledge and qualifying proficiency with any issued less lethal weapon. (CALEA 1.3.11.a, 33.5.1)

## **VIII. Advisement**

This Directive is developed in accordance with the Maryland Use of Force Statute, MD. Code, Public Safety, § 3-524. Pursuant to §3-524(i), an officer who intentionally violates the Maryland use of force requirements resulting in serious physical injury or death to a person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding ten (10) years, and that a sentence imposed for such violation may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of the Maryland Use of Force Statute.

- A. All officers are responsible for adhering to the requirements of this written Directive until it is rescinded or amended by written order of the Chief of Police. Officers have an ongoing and continuous responsibility to seek guidance and verify their understanding of this and all directives including orders, policies, procedures, and rules. This Directive shall take effect and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Chief of Police. All directives not expressly altered by this order remain in full force and effect.
- B. The intentional misuse of the authority granted under this directive, to include but not limited to brutality, retaliation, or the unreasonable, unnecessary, or disproportional use of force is prohibited and grounds for disciplinary action, up to and including termination, possible criminal prosecution, and/or civil liability.
- C. The provisions of this directive shall be severable. If any phrase, clause, sentence, or provision of this directive is declared by a court of competent jurisdiction to be invalid, the remainder of the directive shall not be affected.

## **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>
Conduct & Responsibility #103, Rules of Conduct Conduct & Responsibility #111, Duty to Intervene Administrative Procedure #202, Written Directive System Operational Procedure #401, De-escalation Operational Procedure #407, Use of Force Review, Assessment & Investigation Operational Procedure #416, Behavioral Health Crisis Dispatch Operational Procedure #486, Assemblies, Demonstrations and Disruptions of Campus Activities
<b>External Documentation</b>
<b>Police Department Forms and Systems</b>

## Contacts

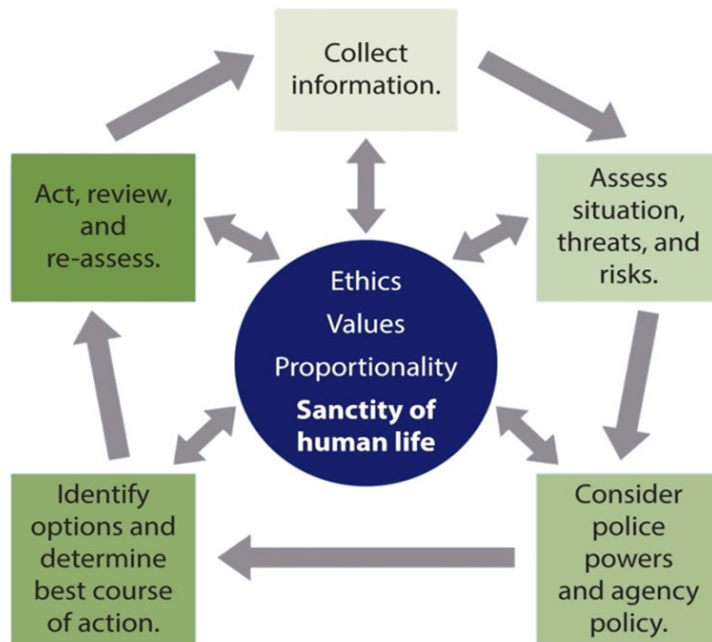
Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			



## Appendix A

### The Critical Thinking Decision-Making Model

The Critical Decision-Making Model (CDMM) is a logical, straightforward, and ethically based thought process that is intended to help public safety personnel manage a range of incidents effectively and safely. The CDMM shall be used, when feasible, for JHPD officers to evaluate their options for escalating or de-escalating their use of force during a situation. Johns Hopkins values the sanctity of all life; therefore, it is contained in the center of the CDMM. This model informs and guides personnel throughout the six-step process:



**Step 1:** Vision, Mission and Core Values - Standards of professional behavior and sanctity of human life

**Step 2:** Collect Information - Continuously collect information and intelligence from all available sources.

**Step 3:** Assess Situation - Assess threat and risk and develop a working strategy.

**Step 4:** Consider Powers and Procedures - Reflect police powers, agency SOPs, and training.

**Step 5:** Identify Options and Contingencies - Identify Options and Determine the Best Course of Action.

**Step 6:** Act, Review, and Reassess - Execute the decision, evaluate the impact, and determine what more, if anything, needs to be done.

Officers shall assess each incident using the CDMM, procedures, training, and experience, to determine which use of force options are appropriate for the situation and will bring it under control in a safe manner. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to promptly de-escalate the use of force as the subject de-escalates, comes under their control, or no longer poses an imminent threat of

physical injury or death.

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