



Cover Memorandum

Use of Force Review, Assessment & Investigation, JHPD Directive #407

Purpose of the Directive

The purpose of this Directive is to set forth the requirements for reporting, review, and independent assessment of all Johns Hopkins Police Department (JHPD) use of force incidents to ensure a fair, thorough, and impartial assessment of member actions.

Summary of Directive Requirements

Following best practices in civilian oversight of police departments,, this Directive along with Directive #350, Complaints Against Police Personnel, establishes the Public Safety Accountability Unit (PSAU), of the Johns Hopkins Office of Internal Audits, as an entity independent of Johns Hopkins Public Safety and the JHPD, to conduct or oversee the reviews of use of force incidents and to conduct the assessment of those incidents for the JHPD Performance Review Board (PRB) to evaluate and make recommendations to the Chief of Police. In addition, the PSAU will have full independent authority for all investigations related to police misconduct.

This Directive requires that all members of the JHPD report any use of force, whether as an involved member or an observing member. In addition, this directive requires that all use of force incidents be thoroughly reviewed, investigated, and assessed to determine if the use of force was consistent with JHPD directive and training.

This Directive defines three levels of use of force and provides the procedures for the reporting, review, and assessment of each.

With respect to reporting, this Directive provides specific guidance to officers regarding the contents of their reports to ensure that reports capture the totality of the circumstances.

The procedures in this Directive are designed to ensure that the use of force review fully investigates all facts and circumstances related to the incident. Also, the assessment process provides a cogent analysis of those facts. The assessment will be provided to the Performance Review Board (PRB) and aid their final review to determine whether the force used in the incident was in conformance with agency directives, procedures, rules, training, and whether there are any deficiencies in directives, procedures, rules, training or equipment that may have contributed to the force used, and whether the matter should be referred for disciplinary procedures.

With respect to Level 3 Use of Force incidents, this Directive establishes the procedures for ensuring that the Maryland Attorney General's Independent Investigation Unit (IID) is notified of all incidents that result in death or potential death of a member of the public as a result of action by a JHPD member. This

Directive establishes procedures and incorporates IID's protocols for the PSAU and JHPD members related to those incidents.

The Directive also provides specific guidance for supervisors regarding their response to use of force incidents and provides procedures to follow related to their response.

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

**USE OF FORCE
REPORTING, REVIEW
& ASSESSMENT**

**OPERATIONAL
PROCEDURE #407**

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 Johns Hopkins Public Safety is responsible for providing a safe and accountable environment for all members of the Johns Hopkins community. Trust and confidence are essential between our community and the Johns Hopkins Police Department (JHPD), which must operate with the highest standards of professionalism. As part of that commitment to maintain the highest standards of accountability and integrity, all use of force incidents shall be subject to reporting and a thorough, impartial review and assessment.

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 is to set forth the requirements for reporting, review, and assessment of all Use of Force incidents to ensure a fair, thorough, and impartial assessment of officer actions.

Definitions

Accidental Discharge:	Any unintentional discharge of a firearm.
De-escalation:	The process of reducing, stabilizing, eliminating, or defusing the level of agitation, aggression, conflict and tension in a situation or encounter.
Force Report:	Written statement required as part of the JHPD Use of Force Review. Each involved officer, if on duty and not hospitalized, shall complete a Force Report that documents each use of force.
Independent Investigations Division, (IID):	The division created by Senate Bill 600, codified at MD Code, State Government, § 6-602, consisting of both Office of Attorney General (OAG) and Maryland State Police (MSP) personnel to investigate qualifying events.
Involved Officer:	An officer or supervisor who participated in, directed, or influenced the application of the Use of Force. This includes involvement in the tactical planning that led to the Use of Force.
Imminent threat to evidence:	A situation in which evidence will be lost, damaged, or contaminated if officers on the scene do not act. Examples include, but are not limited to, weather (rain, wind, flood, heat) and potential interference (civilian, medical personnel, animals) with evidence.
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.
Threat of Force:	Gestures of lethal and/or less lethal weapons directed at a person as means to coerce, gain compliance, or demonstrate that an escalated Use of Force level is imminent (e.g., pointing a firearm, less lethal launcher, Conducted Electrical Weapon (CEW), or cycling a CEW at a person).
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.
Use of Force:	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.
Use of Force Review:	The preliminary gathering of facts and evidence by a permanent-rank supervisor to document a Use of Force. The Use of Force

	Review shall consist of witness interviews, written statements, police reports, discharge papers, audio and video data, Blue Team entries, etc. This list is not exhaustive. The use of force review is a fact gathering process and does not involve any assessment.
Use of Force Assessment:	An assessment of the Use of Force Review by the Public Safety Accountability Unit to determine if the facts support a full misconduct investigation.
Police Officer Involved Shooting, (POIS):	Any incident where an officer discharges a firearm at a person that results in any injury.
Public Safety Accountability Unit (PSAU):	An independent investigative unit of the Office of Hopkins Internal Audits that conducts investigations and assessments of incidents and complaints related to the use of force and misconduct.
Public Safety Statement:	A time sensitive statement, usually verbal, by an involved or witnessing officer that describes the type of force used, the direction and approximate number of shots fired by the involved officer(s) and suspect(s), the location of an injured person, the description of outstanding suspect(s) and their direction of flight, the time elapsed since the suspect(s) were last seen, whether the suspect(s) are armed, any additional known safety risks about the outstanding suspect(s), whether any evidence needs protection, and the presence and location of any known witnesses. (See Appendix B)
Qualifying incidents:	Any act or omission of an officer while the officer is on-duty or while the officer is off-duty but performing activities that are within the scope of their law enforcement duties that results in the death of a civilian or injuries likely to result in death. The following are examples of, but not limited to, the types of incidents that IID and MSP should be notified about: shootings that are fatal or result in the likelihood of death, use of force incidents that are fatal or result in the likelihood of death, deaths occurring while an individual is in police custody, and vehicle pursuits by law enforcement that result in death or the likelihood of death. The IID will determine whether an incident is police-involved and whether an injury is likely to result in death.

Policy

All members of the JHPD have a duty to report any Use of Force, whether as an involved or an observing officer, and all levels of supervision shall thoroughly document, investigate, review, and assess the actions taken to determine if the Use of Force was consistent with JHPD Directives and training. All investigations involving the Use of Force by an officer of the JHPD will be completed in collaboration with the Public Safety Accountability Unit (PSAU) and in conformance with the Maryland Use of Force Statute, MD Code, Public Safety, §3-524. All findings will be assessed by the Performance Review Board (PRB).

General

For this Directive's purposes, the use of force or show of force is separated into three levels: Level 1, Level 2, or Level 3 force.

I. **Level 1, Use of Force** (CALEA (Commission on Accreditation for Law Enforcement Agencies) 4.2.1.d)

- A. A Level 1 Use of Force is force that is not reasonably expected to cause injury, including;
- Using techniques that cause Temporary Pain or disorientation as a means of gaining compliance, hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip), and pressure point compliance techniques,
 - Pointing a firearm, Special Impact Weapon (SIW), or CEW at a person,
 - “Displaying the Arc” with a CEW as a form of warning, and
 - Forcible takedowns that do not involve any punch, kick, or open hand slap, and do not result in actual injury or complaint of injury.

B. **EXCEPTIONS:**

- Pointing of a firearm at a person by any officer, if done solely while entering and securing a building in connection with the execution of an arrest or search warrant, will not be considered a Use of Force for reporting requirements. A supervisor must still complete a Weapons-Pointing Report, detailing the incident.
- Escorting, touching, or handcuffing a person with minimal or no resistance **is de-minimis force** and does not require a Use of Force Report, Review, or Assessment. 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.
- Unholstering a firearm and/or having it at a low and ready position without pointing it at anyone is not a reportable use of force and does not require a Use of Force Report or a Weapons-Pointing Report.

II. **Level 2, Use of Force** (CALEA 4.2.1. c)

- A. A Level 2 Use of Force is force that causes or could reasonably be expected to cause an injury greater than temporary pain, including:

- Any punch, kick, or open hand slap, or the use of weapons or techniques listed below — provided they do not otherwise rise to a Level 3 Use of Force.
 - Discharge of a CEW in probe deployment, in the direction of a person, including where a CEW is fired at a person but misses,
 - Use of Oleoresin Capsicum (O.C.). Spray or other chemical agents,
 - Weaponless defense techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks,
 - Discharge of a Special Impact Weapon (SIW) in the direction of a person,
 - Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area.
- B. VEHICLES:** Striking of a person or a vehicle with a vehicle is considered a Level 2 Use of Force, provided that it does not otherwise rise to Level 3 Use of Force.

III. Level 3, Use of Force (CALEA 4.2.1.a.b.c)

- A.** A Level 3 Use of Force is any force resulting in death, Serious Physical Injury, loss of consciousness, or requiring hospitalization, including any:
- Uses of Deadly Force/Lethal Force,
 - Strikes to the head, neck, sternum, spine, groin, or kidney area with a SIW,
 - Firearm discharges by a JHPD officer,
 - Applications of more than three (3) CEW cycles in a single encounter, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers,
 - CEW application for longer than 15 seconds whether the application is a single continuous application or from multiple applications.
- B.** For purposes of this Directive, hospitalization refers to **any** admission to the hospital arising from or related to a use of force by JHPD officers. This does not include hospital visits resulting in minor treatment, without sutures, and release in the emergency department.

Procedures

All members of the JHPD have a duty to report any Use of Force, whether as an involved or an observing officer, and all levels of supervision shall thoroughly document, investigate, review,

and assess the actions taken to determine if the Use of Force was consistent with JHPD Directives and training.

I. Responsibility

- A. All Use of Force or Threats of Force incidents shall be categorized as a Level 1, Level 2, or Level 3 Use of Force, and:
- Properly reported in conformance with this Directive by involved and witnessing officers;
 - A review of the facts and circumstances shall be conducted, collecting all evidence and documentation related to the use of force and the precipitating event, by a supervisor, who is not an involved officer in the incident, or PSAU, and
 - An assessment of the incident shall be conducted by the PSAU and the PRB.
- B. Upon being notified of a Use of Force by a JHPD officer, a PSAU investigator will:
- If working and available, respond to scene and conduct Use of Force Review for all Use of Force incidents.
 - If not working or available, either respond to the scene or instruct the supervisor to conduct the Use of Force Review for all Use of Force Incidents, except for Level 3 Use of Force incidents.
 - For Level 3 Use of Force incidents, ensure that IID has been notified, respond to the scene and provide support to IID. No witnesses should be interviewed, nor other investigative steps taken for a Level 3 Use of Force review without explicit instructions from the IID, except that JHPD involved officers should be separated and civilian witnesses should be retained at the scene, if possible, and/or contact information should be obtained.
- C. Supervisors or PSAU members may adjust the Use of Force level based upon their review or assessment of the circumstances of the incident.
- D. When an incident involves multiple types of force or multiple officers, the entire incident will be reported and investigated at the highest Use of Force level by any officer during the incident.

II. Use of Force Reporting

- A. In accordance with the directive, an officer whose actions constitute a Use of Force and/or Threat of Force shall immediately notify the on-duty supervisor.

- B.** Involved officers shall complete and submit a Force Report, as soon as possible after the Use of Force incident, but not later than, by the end of their shift. (CALEA 4.2.1)
- C.** All Force Reports shall be comprehensive and provide the totality of the circumstances to the degree of specificity necessary to fully document and evaluate the officer's force response.
- D.** Officers should ensure that their Force Report accurately relates what the officer knew, observed, or believed at the time of the incident. Facts or information revealed following the incident should not be included in the officer's initial use of force report but may be included in a supplemental report, if necessary. This may include:
- The nature of the incident;
 - Where (address or latitude and longitude) and when (date and time) the incident took place;
 - Location type of the incident (using location codes from the National Incident Based Reporting System (NIBRS));
 - Whether the incident was in response to a call for service or an officer-initiated action;
 - Information on the person on whom force was used, including age, sex, race, and ethnicity;
 - Information on the officer, including age, sex, race, ethnicity, years of service, and whether serving full-time;
 - The size and build of the person on whom force was used in relation to the officer;
 - Reason for initial contact between the person on whom force was used and the officer, including any suspected unlawful or criminal activity;
 - Whether the incident was an ambush;
 - Whether the officer was:
 - o Readily identifiable as law enforcement, including whether they were in uniform or plain clothes;
 - o Operating a marked or unmarked law enforcement vehicle or on foot patrol;
 - o On or off duty; and
 - o Accompanied by other officers.
 - Whether a supervisor or a senior officer acting in a supervisory capacity was present or consulted at any point during the incident;
 - Whether backup was requested and, if so, when it arrived;
 - Whether the officer approached the subject or was approached by the subject;
 - Whether associates of the subject were present at the time;

- Whether witnesses or other officers were present at the time;
- Whether and why there was any cause to believe the person on whom force was used was armed or hostile;
- The general demeanor, including any known or apparent impairments, of the person on whom force was used;
- Any verbal exchange that transpired;
- The full circumstances that supported a detention or arrest decision, where applicable, to include the severity of the crime or evidence discovered prior to the detention or arrest attempt by the officer(s);
- Any threat to the officer or another person;
- Type, intensity, and duration of resistance to arrest by the person on whom force was used, to include any threat to others;
- Any de-escalation attempts made;
- Any force options available to the officer and the reason for the level of force response employed;
- 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;
- Whether any JHPD officer or other officer intervened;
- Any injury or complaint of injury, medical treatment received, or refusal of medical treatment from anyone involved in the incident;
- Photographs of injuries belonging to anyone involved in incident;
- Video and audio recordings made of the incident, including those made by body-worn cameras (BWC).

- E.** Observing officers shall complete and submit an Administrative Report that documents their observations of the Use of Force, including the information known to the witnessing officer, required for the Force Report by the end of their shift.
- F.** Officers shall refrain from using conclusory statements, or boilerplate/canned language (e.g., “furtive movement” or “fighting stance”) in the narrative of their

Force Report unless those statements can be supported with incident-specific detail.

- G.** Force Reports and Administrative Reports are meant to capture the reporting officer's recollection of events and therefore, involved and witnessing officers will not be permitted to review audio/video recordings, including any BWC footage of the incident prior to drafting and submitting their Force Reports and Administrative Reports related to Use of Force incidents.

III. Supervisory Response to Use of Force Incidents

- A.** An on-duty non-involved supervisor shall respond to any incident of Use of Force on a priority basis.
- B.** Any on-duty supervisors that witness or are involved in the incident shall notify their immediate supervisor to respond to the scene and fulfill all supervisory duties included in this Directive.
- C.** The supervisor will immediately notify the on call PSAU member, and for all Level 3 Use of Force incidents, they will also immediately:
- Notify the IID, Chief of Police, BPD (Baltimore Police Department) and the PSAU commander to respond to the scene.
 - Respond to the scene, render aid, and secure scene, until relieved by the chain of command or IID.
 - o If instructed by PSAU **not** to conduct the Use of Force Review, maintain and secure the scene until PSAU responds.
- D.** Upon arrival at the scene, the Supervisor shall ensure that:
- Aid is rendered to the person on whom force was used and/or officers that used force.
 - All witnesses are identified, and contact information is secured.
 - All involved officers are separated and advised not to discuss the incident.
 - The scene is documented and preserved.
 - For Level 3 Use of Force incidents, all supervisory responsibilities are fulfilled in conformance with Section VII of this Directive.
- E.** If the Use of Force Review will be completed by the PSAU or another investigator, the supervisor shall complete and submit an administrative report documenting all activities, information collected, and observations as soon as practical, but not later than the end of their shift.

F. Response by PSAU

- If working and available, a PSAU member will respond to the scene and conduct a Use of Force Review for all Use of Force incidents, unless a third party or outside law enforcement agency has been assigned by the Director of the PSAU to conduct the review.
- If not working or available, a PSAU member will either respond to the scene and/or instruct the supervisor to conduct the Use of Force Review for all Use of Force Incidents, except for Level 3 Use of Force incidents.
- For Level 3 Use of Force incidents, the PSAU member will ensure that IID has been notified, respond to the scene, and provide support to IID. No witnesses should be interviewed, or other investigative steps taken for a Level 3 Use of Force review without explicit instructions from the IID, except that:
 - o Involved JHPD officers should be separated, and
 - o Witnesses should be retained at the scene, if possible, and/or contact information should be obtained.
 - o If IID does not determine the incident to be a qualifying event, the Director of the PSAU shall determine whether the PSAU will conduct the review or a third party or outside law enforcement agency should conduct it.

IV. Use of Force Review (CALEA 4.2.2)

- A.** The purpose of the Use of Force review is to fully investigate all facts and circumstances related to the incident, so that the PRB can determine whether the force used in the incident was in conformance with agency policy, procedures, rules, training, and whether there are any deficiencies in policy, procedures, rules, training or equipment that may have contributed to the force used.
- B.** The Use of Force Review shall be conducted by the PSAU, JHPD supervisor at the PSAU's direction, a qualified third party contracted by the PSAU to conduct the review, or another law enforcement agency. The person conducting the review is called the reviewer.
- C.** The reviewer may utilize a Use of Force Preliminary Review Checklist created by the PSAU to assist with completing a thorough Use of Force Review.
- D.** The reviewer conducting the Use of Force review will gather all evidence and material related to the Use of Force incident and shall perform the following tasks:

- Reviewers equipped with a BWC shall activate their BWC to ensure all investigative actions are preserved. If a BWC is unavailable, PSAU members or contractors who are not equipped with a BWC may use recording equipment to record interviews, refusals of interviews, and scene footage, including but not limited to, accurate depiction of lighting, weather, vehicle placement, points of cover, and evidence relevant to include forensic evidence. Supervisors/PSAU will document their on-scene actions and observations.
- Conduct and document a neighborhood canvass for relevant civilian witnesses.
- Interview all members of the public and utilizing a BWC or recording equipment to document the interview.
 - o Whenever practical, obtain recorded statements from persons or witnesses by utilizing trauma-informed interview techniques. Ascertain if witnesses have cellphone video of the incident, obtain if available, and include it in the Use of Force Review.
- Attempt to locate closed circuit television (CCTV) or privately-owned surveillance cameras that may have recorded all or part of the incident. If located, such videos must be recovered and included in the Use of Force Review.
- Separate all involved officers in a Use of Force incident and conduct interviews.
 - o All interviews with the officers involved will be conducted in accordance with JHPD Directives and Maryland law.
 - o Where a preliminary review of all other evidence gathered does not suggest criminal conduct, the involved officer(s) may be compelled to submit to an interview. If there is any question as to whether involved officers' conduct is criminal in nature, the reviewer shall not compel the involved officer(s) to submit to an interview or interrogation about the Use of Force, unless approval is obtained by the Chief of Police and/or Vice President of Public Safety and the Office of State's Attorney for Baltimore City.
 - o Group interviews of officers and any discussion between officers regarding the Use of Force is **prohibited**.
 - o Officers shall not be asked leading questions that suggest legal justification for the officer's conduct, or where such questions are contrary to appropriate law enforcement techniques.

- o Investigate any incident in which an officer intervenes in another officer's Use of Force in conformance with JHPD Directive #111, Duty to Intervene.
 - Digitally photograph anyone involved (officers and other persons) regardless of injury or complaint of injury.
 - Digitally photograph all injuries of anyone involved.
 - Digitally photograph the area where the incident took place.
 - Obtain all charging documents/disposition of the subject of the use of force.
 - If a medic was sought or the subject of the force was treated at the hospital, include all paperwork available or a narrative in the report regarding injuries, treatment, and status at the time of drafting of the report.
 - Provide a statement denoting any injury, complaint of injury, or lack of injury to each participant.
 - Health care providers and medics should be interviewed concerning the injuries sustained.
 - Digitally photograph any departmental or private property damaged as a result of an officer's involvement.
 - Gather all BWC footage in conformance with JHPD Directive #433 Body-Worn Cameras and tag the incident as a Use of Force for all officers present during the incident, as well as any CCTV video which may have recorded all or part of the incident.
 - o Document the content of BWC and any CCTV videos.
 - o A copy of any videos should be obtained and attached to the BlueTeam use of force entry. BWC videos need only to be uploaded to Evidence.com.
 - Request and review all training for involved officers.
 - Collect and review all Use of Force Reports and Administrative Reports submitted by involved and witnessing officers.
 - Identify all JHPD Directives and procedures applicable to the incident.
- E.** The Reviewer responsible for the Use of Force Review will make an initial entry in BlueTeam before the end of the shift.
- F.** The Reviewer will complete the Use of Force Review and include all supplemental reports and documentation.

- G. Upon completion of the Use of Force Review, a Use of Force Assessment, identified below, shall be completed.

V. Use of Force Assessment

- A. Upon completion of the Use of Force Review, the Use of Force Assessment Report and Recommendation to the PRB (Assessment) shall be completed by either the PSAU, a qualified third party contracted by the PSAU to conduct the assessment, or another law enforcement agency.
- B. At minimum, the Assessment must include:
- Factual summary of the occurrence with citations to supporting documentation;
 - An Identification of the applicable written directives;
 - An analysis of whether the Use of Force was applied in conformance with the applicable JHPD directives, procedures, and training, including whether de-escalation techniques were appropriately utilized; and
 - Recommendations to the PRB as to whether any involved officer should be referred for additional training or discipline.
- C. Upon completion of the assessment, PSAU will present the Assessment to the PRB.
- D. Referrals for discipline shall be made in accordance with JHPD Directive #353, Disciplinary Matrix.
- E. The Chief of Police shall review all Use of Force Assessments and participate in all PRB meetings.
- F. Officers will be held accountable for uses of force that violate law or policy.

VI. Assignment to Administrative Duties (CALEA 4.2.3, 22.2.3)

- A. Any officer whose Use of Force results in one of the below situations will be assigned to administrative duties and/ or placed on administrative leave until the use of force review and assessment is either completed, or the Vice President for Public Safety elects to return the officer to regular duties:
- Serious physical injury or death to another;
 - A complaint of excessive force;
 - Referral for Discipline that could rise to the level of termination
 - Any incident as directed by the Vice President for Public Safety, Chief of Police, or the Deputy Chief of Police.

- B. The status of pay and access to other benefits will be consistent with Johns Hopkins University (JHU) Department of Human Resources policies.
- C. The Director of Human Resources or their designee will refer the officer to the designated Employee Assistance Program (EAP) provided by JHU and schedule debriefing services in accordance with JHPD Directive #318, Critical Incident Stress Management. (CALEA 22.1.7.d)

VII. Level 3 Use of Force Investigations

The Office of the Attorney General’s Independent Investigations Division (“IID”) and the Maryland State Police (“MSP”) will lead the primary investigation of all JHPD police-involved incidents that result in the death of a civilian or injuries likely to result in death (“qualifying incidents”) as mandated by MD Code, State Government, § 6-602. The JHPD will timely notify IID of all qualifying incidents, maintain the scene, and render aid until IID arrives. JHPD will provide any assistance requested and fully cooperate with IID.

- A. **Officer Response to Initial Report of a Qualifying Incident** - As soon as practical following any Level 3 Use of Force, the involved officers shall, to the degree reasonably possible:
 - Take initial steps to ensure that any threat from the person on whom was used has been eliminated, to include but not limited to:
 - o Protecting the safety of themselves and others,
 - o Rendering first aid where necessary, including immediately to the person on whom force was used, (CALEA 4.1.5)
 - o Notifying their supervisor,
 - o Requesting back-up and medics, and
 - o Preserving evidence.
 - Provide a verbal synopsis of the incident to responding supervisor(s) and gather the information necessary to conduct a proper on-scene investigation.
 - Officers who use force must complete a Force Report prior to the conclusion of their shift. The report shall be submitted to IID and the officer’s immediate supervisor, and all officers shall refrain from discussing the incident among themselves or with anyone else. (CALEA 4.2.1)
 - Force Reports and Administrative Reports are meant to capture the reporting officers' recollection of events and therefore, involved and witnessing officers will not be permitted to review audio/video recordings of the incident prior to drafting their report.

- Officers who witness a Use of Force must complete and submit an Administrative Report by the end of their shift. (CALEA 4.2.1)

B. Supervisor Response to Initial Report of a Qualifying Incident - The on-duty supervisor shall be responsible for ensuring implementation of the incident response protocol in this directive and shall assume the role of the incident commander (IC) until released by a higher rank JHPD or IID member. The on-duty supervisor will ensure that the following tasks are addressed, if not previously completed:

- Any remaining threats are identified, and necessary action is taken.
- The physical condition of the involved officer(s), person(s) on whom force was used, and third parties is determined; emergency first aid is provided, if necessary; and emergency medical assistance is summoned.
- An adequate inner perimeter is established.
- If needed, the Public Safety Statement may be used to obtain a synopsis of the incident.
- All necessary agency notifications are made, including:
 - o IID (in accordance with IID notification protocol below);
 - o Chief of Police,
 - o Patrol Shift Commander;
 - o PSAU,
 - o BPD
 - o JHPD Public Information Officer.
- An outer perimeter is established to prevent anyone from entering, except those who have a specific function to perform.
- A media staging area is identified beyond the outer perimeter, and it is appropriately staffed.
- A command post is established when it appears that an extended on-site investigation will be necessary.
- An officer is appointed to serve as a “recorder,” with responsibility for making a chronological record of activities at the scene, to include persons present, those who have been at the scene, and actions taken by law enforcement or other official personnel.
- Follow evidence collection, storage, and analysis protocol for the IID, below.
- If an involved officer is transported to the hospital, someone, such as a companion officer or peer support personnel, accompanies or meets them there.

- If the involved officer is incapable of calling, another agency member notifies the involved officer's immediate family as soon as possible and in person, when reasonably possible. The notification should provide the family members with basic information on the status of the officer involved, and when and where they will be able to see the officer.
 - Ensure all BWCs remain active until IID personnel deactivate and collect them.
 - For non-qualifying events, ensure initial steps in response to the incident are consistent with requirements for Level 2 Use of Force incidents, such as an accidental discharge, as outlined in Sections I, II and III of this Directive.
- C. Shift Commander** - The Shift commander shall respond to the scene. If the Shift Commander arrives before the IID personnel, the Shift Commander shall assume control of the incident response from the Supervisor, and shall serve as the IC, and complete all remaining responsibilities of the IC, above, until ICC arrives, and then assume the role of JHPD on-scene commander for IID.
- D. PSAU Commander/ Unit Member** - The PSAU Commander and other assigned PSAU members shall respond to the scene and assist as directed by the JHPD incident commander or IID. The PSAU observes and contemptuously collects information that IID is willing to share but shall not conduct a concurrent administrative investigation without specific authorization by IID.
- E. For all qualifying events, members of PSAU and JHPD shall follow all protocols developed by IID, including but not limited to:**
- [IID Notification Protocol.pdf \(marylandattorneygeneral.gov\)](#)
 - [IID SAO Protocol.pdf \(marylandattorneygeneral.gov\)](#)
 - [IID Evidence Collection Protocol.pdf \(marylandattorneygeneral.gov\)](#)
 - [IID Media Protocol.pdf \(marylandattorneygeneral.gov\)](#)

VIII. Collateral Investigations

- A.** Because the IID solely investigates law enforcement personnel, JHPD or BPD may need to conduct a concurrent criminal investigation of non-police criminal activity arising from the same general incident as an IID investigation.
- B.** The BPD has primary responsibility in all investigations and arrests related to Group A offenses under NIBRS program, except: Larceny/Theft Offenses; Burglary/Breaking and Entering, and Motor vehicle theft, for which JHPD will have primary responsibility for investigations and arrests along with all Group B offenses under the NIBRS program. Notwithstanding, JHPD shall request that the

BPD conduct criminal investigations of non-police criminal activity arising from the same general incident as IID investigations.

- C. For homicides, the BPD Homicide should be immediately contacted at 410-396-2100.
- D. The JHPD and/or BPD officers will collaborate with the IID in every case in which there is a collateral criminal investigation. All efforts will be made to find solutions that allow for the proper investigation and potential prosecution of both the IID case and the collateral criminal case without causing prejudice to either case.
- E. Where the two investigations share witnesses, the IID, JHPD or the BPD will coordinate to the extent possible, prior to conducting interviews.
- F. **Collection of Evidence during Collateral Investigations** - If IID personnel determine that evidence is necessary for an IID investigation, the evidence will, barring an imminent threat to the evidence, be collected by the MSP, and submitted to the MSP. This will occur even if BPD or JHPD believes the evidence is necessary for a collateral criminal investigation.
 - If IID personnel determine that evidence is not required for an IID investigation, JHPD or the BPD may collect, store, and analyze the evidence according to their normal practices or procedures.
 - The JHPD may also request that the MSP personnel collect that evidence at the scene and provide it to the JHPD for its own future analysis.
- G. **Administrative Investigation** - Upon receiving notice from IID of the completion of the criminal investigation and notice from the State's Attorney that prosecution will be initiated or has been declined, an administrative investigation conducted by the PSAU, a qualified third party contracted by the PSAU to conduct the review, or another law enforcement agency will be initiated in accordance with JHPD Directive #350, Complaints Against Police Personnel. The Director of the PSAU may conduct a concurrent administrative investigation, after consultation with IID and the Office of the Vice President and General Counsel for JHU.

IX. Use of Force Data Collection & Reporting

- A. All data and records related to uses of force will be maintained to promote transparency by producing an annual, public report, and to assist the JHPD continuously evaluate its use of force practices and identify trends.
- B. The JHPD will ensure the collection and tracking of all documents related to uses of force and allegations of misconduct, including but not limited to:

- Completed Force Reports, Completed Use of Force Reviews,
 - Completed Force investigations by IID,
 - Reviews and investigations conducted by PSAU relating to JHPD officers' uses of force, and
 - o All supporting documentation and materials, including relevant CEW downloads, supporting audio-visual recordings, including witness and officer interviews, and any relevant camera downloads, including BWC footage.
- C. The JHPD will annually evaluate the prior year's force data, including those listed above, to analyze trends and identify deficiencies. The annual analysis shall identify: (CALEA 4.2.4.a.b.c.d.e)
- Date and time of incidents;
 - Types of encounters resulting in use of force;
 - Trends or patterns related to race, age, and gender of subjects involved;
 - Trends or patterns resulting in injury to any person including employees; and
 - Impact of findings on policies, practices, equipment, and training.
- D. In addition, annually, the JHPD shall conduct a review of all assaults on officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. (CALEA 4.2.5)
- E. An annual report/summary of all use-of-force incidents shall be prepared by this agency and made publicly available, providing basic details of force incidents and the findings of internal or external investigations or reviews.
- F. As required by MD Code, Education, § 24-1208, annually, before the 1st of October, for the preceding fiscal year, JHPD shall include in its report to the Mayor and City Council of Baltimore City, the General Assembly, and Accountability Board the number of JHPD police officers involved in shootings, line-of-duty deaths, and in-custody deaths, from the previous fiscal year.
- G. JHPD shall also submit all relevant statistical data related to incidents that result in the death or serious bodily injury of a person, as well as when an officer discharges a firearm at or in the direction of a person, to the Federal Bureau of Investigation (FBI) National Use-of-Force Data Collection reporting portal.

Policy Enforcement

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

University Policies and Documents
Administrative Procedure #111, Duty to Intervene Personnel Procedure #350, Complaints Against Police Personnel Personnel Procedure #318, Critical Incident Stress Management Operational Procedure# 433, Body-Worn Cameras
External Documentation
Independent Investigations Division Resources (marylandattorneygeneral.gov) IID_Notification_Protocol.pdf (marylandattorneygeneral.gov) IID_SAO_Protocol.pdf (marylandattorneygeneral.gov) IID_Evidence_Collection_Protocol.pdf (marylandattorneygeneral.gov) IID_Media_Protocol.pdf (marylandattorneygeneral.gov)
Police Department Forms and Systems
Force Report Public Safety Statement,

Contacts

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