



Cover Memorandum

Assemblies, Demonstrations & Disruption of Campus Activities, JHPD Directive #486

Purpose of the Directive

The purpose of this Directive is to ensure that all members of the Johns Hopkins Police Department (JHPD) understand their responsibility to protect and support individuals engaged in acts of expression protected by the First Amendment to the United States Constitution, including assemblies and demonstrations.

Summary of Directive Requirements

This Directive explains the legal protections related to acts of expression protected by the First Amendment, including assemblies and demonstrations. This Directive is informed by Johns Hopkins University's (JHU) Statement of Principles on Academic Freedom and the Guidelines for Students in Support of Free Expression Through Protests and Demonstrations at the Homewood Campus.

The Directive provides JHPD members with specific guidance regarding their conduct when responding to assemblies, demonstrations and other acts of expression protected by the First Amendment. For example, it requires JHPD members to make reasonable efforts to protect demonstrators and assemblers and preserve their ability to engage in assemblies and demonstrations on campus. It requires that, when feasible, JHPD members should try to separate assemblers and demonstrators from counter assemblers and counter-demonstrators to maintain order and avoid any potential confrontation. It also mandates that members seek to prevent and de-escalate disruptions and prevent assemblies and demonstrations from escalating into civil disturbances through appropriate de-escalation and intervention techniques.

In addition, this Directive explains how JHPD will plan for assemblies and demonstrations on campus and how it will respond to assemblies, demonstrations, and disruptions of campus activities. It dictates the use of the incident command system (ICS), development of an incident action plan, and notifications to appropriate stakeholders. The Directive requires the use of the least intrusive and most appropriate measures to address disruptions and mandates communication with leaders of demonstrations and protests led by Student Affairs or Public Safety to ensure that assemblies and demonstrations can continue in a manner that does not disrupt campus activities and allows community members to engage in acts of expression consistent within JHU guidelines.

Finally, this Directive provides guidance as to how to coordinate JHPD's support of demonstrations and assemblies with stakeholders and the Baltimore Police Department, including specific guidance regarding how to handle civil disturbances.

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
ASSEMBLIES,
DEMONSTRATIONS &
DISRUPTION OF CAMPUS
ACTIVITIES

OPERATIONAL
PROCEDURE #486

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
Dr. Branville G. Bard, Jr.
Issued: [full date]
Revised: [full date]

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Policy Statement

This Directive emerges from Johns Hopkins’s commitment to academic freedom as a fundamental value of the University, as articulated in the University’s Statement of Principles on Academic Freedom and its Guidelines for Students in Support of Free Expression Through Protests and Demonstrations at the Homewood Campus. Accordingly, this Directive is designed to support the right to engage in acts of public expression and the right of an audience to receive that expression in a safe and peaceable environment that ensures the health and safety of the Johns Hopkins community.

Who is Governed by this Policy

All personnel, including sworn, nonsworn, and contractual or voluntary persons in service with the Johns Hopkins Police Department are governed by this Directive.

Purpose

The purpose of this written Directive is to ensure that all officers of the Johns Hopkins Police Department (JHPD) understand their responsibility to protect the rights guaranteed by the First Amendment to the United States Constitution and the Maryland Declaration of Rights, including the rights to freedom of speech and expression, freedom of assembly, and freedom to observe and record the actions of law enforcement officers.

Definitions

Assembly:	A peaceful gathering. This may be a scheduled event that allows for law enforcement planning, but it also may include a spontaneous gathering. Gatherings could include, but are not limited to, marches or protests.
Campus Area:	Per the enabling statute, Md. Education Code Ann. § 24-1201(c), “campus area means any property that is: (i) owned, leased, or operated by, or under the control of Johns Hopkins University; (ii) located on: 1. The Homewood Campus, meaning the area bounded by West University Parkway and East University Parkway on the north, East 28th Street and West 28th Street on the south, Remington Avenue and Stony Run stream on the west, and North Calvert Street on the east; 2. The East Baltimore Campus, meaning the area bounded by East Eager Street on the north, East Baltimore Street on the south, North Caroline Street on the west, and North Castle Street on the east; or 3. The Peabody Campus, meaning the area bounded by West Madison Street and East Madison Street on the north, East Hamilton Street and West Hamilton Street on the south, Cathedral Street on the west, and Saint Paul Street on the east; and (iii) used for educational or institutional purposes.” Campus Area “includes the public property that is immediately adjacent to the campus, including: (i) a sidewalk, a street, or any other thoroughfare; and (ii) a parking facility.”
Civil Disturbance/ Unrest:	A breach of the peace by a gathering of persons where there is a threat of collective violence, destruction of property, or other unlawful acts.
Counter- demonstrators and assemblers:	A participant in a demonstration or assembly that opposes another on-going demonstration or assembly.
Covert Investigation:	Infiltration of or attempt to infiltrate a group or organization in a manner that conceals the identity of the law enforcement agency or the identity of an officer or agent of the law enforcement agency. This does not include the use of plainclothes officers or employees for crowd control and public safety purposes at public events.
Demonstration:	A public display of a group's or individual's feelings toward a person or people, idea, cause, etc., and includes, but is not limited

	to, marches, protests, student walkouts, assemblies, and sit-ins. Such events and activities may attract a crowd that includes participants, onlookers, members of the media, and others who may agree or disagree with the point of view of the activity.
Disruption:	Intentional behavior that obstructs, impairs, or interferes with a University function or operations or creates a health, safety, and welfare concern, such as a speaker using amplified sound that interrupts classes, blocking entrances to buildings, refusing to leave buildings that are closed, or camping on Johns Hopkins University grounds.
Acts of Expression Protected by the First Amendment:	Acts of expression protected by the First Amendment include all forms of peaceful speech and expressive conduct used to convey ideas and information, express grievances, or otherwise communicate with others; they can include verbal and nonverbal expression. Common acts of expression protected by the First Amendment include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, use of puppets, street theater, and other artistic forms of expression as well as the right to observe and record police activity. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the U.S. Constitution and the Maryland Declaration of Rights. Violence of any kind is not protected by the First Amendment of the U.S. Constitution.
First Amendment Auditor:	Individuals who record public safety personnel and facilities to test their compliance with the First Amendment right to observe and record police activity.
Incident Action Plan (IAP):	An oral or written plan containing the general objectives and the overall strategy for managing an incident.
Incident Commander (IC):	The person responsible for overseeing the response to assemblies or demonstrations and civil disturbances, including the development of strategies and tactics and the ordering and release of resources. If no incident commander (IC) has been designated, the most senior ranked officer on scene shall act as the IC until relieved.
Incident Command System (ICS):	A standardized, on-scene emergency management procedure designed to provide an integrated organizational structure, regardless of jurisdictional boundaries, during the response to and resolution of a critical incident.
Inciting Imminent Unlawful Action:	Urging other persons to engage in criminal activity that will occur immediately. Inciting imminent unlawful action does not include urging others to engage in criminal activity that might occur at some point in the future; it only includes urging criminal activity that is about to happen.
Legal Observers:	Individuals, usually representatives of civilian human rights agencies, attend public demonstrations, protests, and other

	activities where there is a potential for conflict between those assembled and law enforcement or security. Indicia of legal observers include green legal observer hats or black and green vests from the National Lawyers' Guild or blue ACLU-issued or authorized legal observer vests.
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.).
Member of the Media:	Any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including print, broadcast, photographic, internet, or other electronic distribution. The following are potential indications of being a member of the media: visual identification as a member of the media, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the media.
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Safety Officer:	An officer designated by command staff responsible for monitoring incident operations and advising the incident commander on all matters relating to operational safety, including the health and safety of emergency responder personnel.
True Threats:	Statements that intend to threaten or intimidate, when the speaker means to communicate a serious intent to commit an act of unlawful violence or harm to a particular individual or group of individuals and those individuals are aware and/or present to observe the communication.

Policy

All officers of the JHPD shall respect and protect the First Amendment rights of all persons. The acts of expression protected by the First Amendment of the U.S. Constitution promote the free exchange of ideas, which is fundamental to democratic governance and academic freedom. Preservation and protection of First Amendment rights fosters transparency and accountability, which are vital to maintaining public trust in the rule of law and the legitimacy of law enforcement.

Core Principles

The JHPD understands that ensuring public safety — our primary responsibility — includes facilitating and assisting those seeking to engage in peaceful protests, demonstrations, vigils, displays, or other nonviolent acts of public expression on the campus.

- I. **The right to free speech and expression**, which includes the right to criticize law enforcement or otherwise engage in protected expression in the presence of law enforcement officers without being subject to retaliation.
- II. **The right to freely organize and participate in lawful assemblies and protests**, in open spaces on campus, public parks, on sidewalks, and in other public forums, including public forums near the object of the assembly or protest so that those assembled may be seen and heard.
- III. **The right to observe and record the actions of law enforcement officers**, in the public discharge or their duties in all public spaces (including sidewalks, parks, and other locations for lawful public protest), as well as all other areas in which persons have a legal right to be present (including a person's home or business and common areas of public and private facilities and buildings), without being subject to retaliation.

Procedures

- I. **Response to Demonstrations & Assemblies**
 - A. Officers shall not restrict the rights of any person to peacefully speak and express themselves freely, including by using criticism, insults, profanity, name calling, or obscene gestures directed at law enforcement or by expressing disagreement.
 - B. Officers shall not, when feasible, restrict the rights of any person to gather at or near the object of the assembly or protest.
 - C. Officers shall not restrict the right of any person to peacefully assemble in accordance with University policies, including and [Guidelines for Students in the Support of Free Expression Through Protests and Demonstrations at the Homewood Campus](#).
 - D. Officers shall make all reasonable efforts to protect demonstrators and assemblers and preserve their ability to engage in assemblies and demonstrations on campus.
 - E. Officers shall seek to prevent and de-escalate disruptions and prevent assemblies and demonstrations from escalating into civil disturbances through appropriate de-escalation and intervention techniques. See JHPD Directive #401, De-escalation.
 - F. Officers shall, when feasible, separate demonstrators and assemblers and counter-demonstrators and assemblers to maintain order and avoid any potential confrontation.

- G.** To avoid potential confrontations, officers shall also seek to make sure there is adequate space for ingress and egress around assemblies and demonstration and promptly respond to any reports of threats of harm or harassment by or against persons engaged in acts of expression protected by the First Amendment.
- H.** For any event for which there is an Incident Action Plan (IAP), officers shall adhere to the IAP, unless otherwise directed by supervisors or criminal activity that requires an immediate law enforcement response is identified.
- I.** Officers shall adhere to all directives governing the use of force when confronting all demonstrations or assemblies that have become civil disturbances. These directives include but are not limited to: JHPD Directives #401, De-escalation, #402 Police Use of Force, and #407 Police Use of Force Review, Assessment & Investigation.
- J.** To de-escalate the potential for disorder and avoid mass arrests, officers shall endeavor to accommodate assemblies and demonstrations that may temporarily block traffic or otherwise obstruct public streets by regulating or rerouting traffic as much as practical.
- K.** Officers are prohibited from interfering with a person's right to observe or record police activity in all public campus settings (including sidewalks, parks, and other locations for lawful public protest) and all other areas in which people have a legal right to be present (including a person's home or business and common areas of public and private facilities and buildings), so long as the observation or recording does not threaten the safety of any officer or any other person and does not physically interfere with the performance of any officer's duties or violate a person's reasonable expectation of privacy.
- See JHPD Directive #110, Observation & Recording of Police Services, for guidance on addressing the public's observation and recording of police actions.
 - Note: Officers may interact with First Amendment auditors. During any interaction with a First Amendment auditor, officers shall always remain calm, courteous, and helpful and shall avoid debates on the scope of their legal rights or any other matter.
- L.** Officers shall not restrict the rights of any person to criticize law enforcement through speech, unless they are endangering another officer or person or are actually interfering with a legitimate law enforcement objective.
- M.** Officers shall not take any action in retaliation against anyone who engages in assemblies and demonstrations to comment on or protest any police activity. This includes retaliation by ordering persons or groups to disperse; by stopping, detaining, searching, arresting, issuing a citation to, or threatening to stop, detain, search, arrest, or issue a citation to any person or group; or by using force or

threatening to use force against persons or group engaged in acts of expression protected by the First Amendment, unless such force is in accordance with JHPD Directive #402, Use of Force.

- N. Officers shall not use force in response to a person engaging in an assembly or demonstration or other acts of expression protected by the First Amendment, unless such force is in accordance with JHPD Directive #402, Use of Force.
- O. Officers shall not engage in intimidation or harassment toward persons participating in assemblies or demonstrations. Such prohibited intimidation and harassment include verbal threats and profanity, use of video recorders to harass, and displaying a weapon for intimidation.
- P. Officers shall not arrest a person engaged in assemblies and demonstrations, unless there is *individualized* probable cause to believe that the person has committed a crime. This means that an officer may not arrest any person unless the officer has sufficient objective facts based on the officer's own knowledge, or reliable and trustworthy information provided by other officers or third parties, to establish probable cause that the person committed a crime. Officers may not arrest any person engaged in assemblies and demonstrations because other persons engaged in the same assemblies and demonstrations engage in violent or otherwise unlawful conduct.
 - **Example:** A group of 30 marches together in the streets and on the sidewalks engaged in political protest. Five people break from the group, smash several storefront windows, and then rejoin the group.
 - o Officers may identify and arrest the five people who smashed windows based on their personal conduct. See JHPD Directive #424, Arrests & Alternatives to Arrest.
 - o Officers may not arrest others in the group based on their association with the five people who broke the windows because there is no individualized probable cause that the other members of the group committed a crime.
- Q. Officers shall not interrupt a speaker, unless there is an imminent threat of physical harm to the speaker, based on true threats from the audience; the speaker makes true threats of imminent physical violence; or the assembly or demonstration constitutes a disruption or has become a civil disturbance.
- R. Officers shall not terminate or disperse assemblies and demonstrations or other acts of expression protected by the First Amendment unless both of the following apply:
 - The assembly, demonstration, or other act of expression protected by the First Amendment has turned into a civil disturbance or disruption or

threatens to turn imminently into a civil disturbance or disruption.

- A dispersal order and warnings have been given in accordance with this Directive.
- Officers shall not substantially surround or enclose persons participating in or observing an assembly or protest and prevent them from leaving the area.

Example: A group gathered on Homewood Field is ordered to disperse and exit the field. The assembled persons promptly attempt to comply with the order by walking down a service alley that connects the athletic facilities. Police officers may not form lines at the beginning and end of the alley and close off all exit routes. In addition, officers may not arrest everyone gathered within the service alley that connects the field, as they are dispersing.

- S. Officers shall not treat assemblers or demonstrators differently based on the content or viewpoint of their legally protected speech, nor based on their race, national origin, gender identity, gender expression, disability or illness (physical or mental), sexual orientation, religion, political ideology or affiliation, social status, veteran status, economic status, family status, Human Immunodeficiency Virus (HIV) status, immigration status, housing status, language ability, age, or any other protected class under state, federal, and local laws. See JHPD Directive #106, Fair and Impartial Policing.
- T. Officers shall not target the leaders or organizers of assemblies and demonstrations or other acts of expression protected by the First Amendment by singling out such persons for harsher or disparate treatment. Officers shall not single out persons for video recording solely because the persons appear to be the leaders or organizers of an assembly or protest. This does not prevent an officer from taking enforcement actions if the officer has probable cause to believe that a person, whether a leader/organizer or not, is inciting violence or has committed a crime.
- U. Officers shall not allow personal beliefs and opinions to interfere with their duties as law enforcement officers.
- V. Officers shall not express personal, political, or religious views during a public assembly while on duty.
- W. Body-worn cameras and other audio video recording devices shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service, voluntary or investigative encounter between a law enforcement officer and a member of the public.
- X. Officers shall not conduct a covert investigation of a person, a group, or an

organization engaged in assemblies and demonstrations.

III. Preparation for Demonstrations and Assemblies

- A.** The Chief of Police shall be notified immediately of any demonstrations or assemblies, planned, or anticipated, in the JHPD campus areas, and will notify the Vice President of Public Safety.
- B.** The Incident Command System (ICS) shall be used for significant demonstrations or assemblies in conformance with JHPD Directive #480, Critical Incident Response & Management. The Chief of Police will appoint a JHPD incident commander for the event. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 46.1.3.a)
- C.** The JHPD incident commander will monitor the demonstration or assembly status, and prepare for any potential JHPD response, but will not assume control of University's response to an assembly or demonstration. The University's response will be initially coordinated by Public Safety for all non-student demonstrations and assemblies and by Student Affairs for all student led protests and demonstrations. The JHPD incident commander will coordinate any JHPD response requested by either entity and will only assume control when authorized by the Vice President of Public Safety. For most assemblies and demonstrations, JHPD resources and officers should not be needed.
- D.** The JHPD incident commander shall be responsible for deployment of JHPD resources and development of the JHPD IAP. (CALEA 46.1.1)
- E.** The JHPD incident commander for any demonstrations or assemblies shall coordinate planning with Public Safety, Student Affairs, and other personnel, as needed, when scheduling police services for significant protests or demonstrations. (CALEA 46.1.3 c)
- F.** The JHPD incident commander will also be responsible for communicating and coordinating with the Baltimore Police Department (BPD) regarding assistance from the BPD for demonstrations, assemblies, civil disturbance, and unrest. (CALEA 46.1.3 d)
- G.** Communication with event or demonstration organizers or leaders will be established and handled by Student Affairs and/or Public Safety.
- H. Spontaneous Demonstrations or Assemblies:** Spontaneous demonstrations or assemblies, which occur without prior planning or notice to the police, present less opportunity for JHPD planning and prevention efforts. Nonetheless, the same policies apply to a spontaneous event as to a planned event, except that:
 - The shift supervisor shall immediately assume the role of JHPD

incident commander and notify the Chief of Police as soon as practical, and Public Safety and Student Affairs. If immediately necessary, the shift supervisor should also contact BPD's District command.

- The Chief of Police, once notified, will appoint an JHPD incident commander; once appointed, the JHPD incident commander shall declare over the police radio that they have assumed command of the incident for JHPD.
- An immediate assessment of the situation is essential for determining the appropriate JHPD response, if any, and appropriate notifications to BPD, if needed.

IV. Development of Incident Action Plans (CALEA 46.1.5 a, 46.2.7)

- A. An IAP directs and coordinates response operations. An IAP shall be developed by the incident commander or designee prior to known significant events. This allows for a clear method for communicating the overall incident objectives in the context of operational and support activities.
- B. As outlined in ICS, all IAPs must specifically address the following four questions:
- What do we want to do?
 - Who is responsible for doing it?
 - How do we communicate with each other?
 - What is the procedure if someone is injured?
- C. The IAP developed for a demonstrations or assemblies shall include the following details:
- An effective traffic and crowd control plan for buildings, streets, and sidewalks
 - Communication and coordination with BPD regarding any potential resources needed and response to any potential civil disturbances or unrest, including the identification and contact information for the BPD liaison for the event
 - The following information:
 - o The location and type of event
 - o The approximate number of participants
 - o The nature of the activities
 - o Any immediate threats to the safety of the participants or nonparticipants
 - o The number of structures or vehicles involved
 - o The size of the involved area
 - o The number of additional JHPD officers needed and an appropriate

- o staging area
- o The location for a staging area for members of the media, if needed
- o Ingress and egress routes
- o Additional resources (paramedic, fire department, outside agencies, etc.)
- A protocol for the role of safety officer, which shall include, if necessary:
 - o Health and safety guidance during pre-deployment briefings
 - o Ensuring the availability of mental health and medical professionals to provide health care to officers and any community member that may need care
 - o Ensuring the close monitoring and periodic affirmative checks of officers' well-being by supervisors
 - o Close monitoring of officer fatigue and indications of stressors
 - o During prolonged periods of demonstrations or civil unrest, the deployment of police counselors or psychologists to provide individual counseling to officers and their family members
- To the extent possible, a plan for public information sharing and coordination with communications before, during, and after a significant event.

D. Additional Planning Considerations for Demonstrations and Assemblies - In accordance with this Directive, JHPD respects the right of all members of the Johns Hopkins community to explore and discuss questions that interest them, to express opinions publicly, and to gather together peacefully to demonstrate their concern by orderly means. The goal of the JHPD response is to de-escalate any unlawful behavior and support the ability of those engaged in assemblies and demonstrations.

- The IAP should designate Student Affairs and/or Public Safety as the primary officials to establish contact with the leaders of demonstrations and assemblies and initially respond to any complaints of disruptive behavior. These officials should establish open lines of communication and communicate any issues or concerns so they can be resolved quickly before matters escalate.
- The IAP should anticipate JHPD being called to immediately respond to dangerous or criminal situations.
- All student demonstrations and assemblies will be managed by Student Affairs and all other.
- The decision to forcibly remove or arrest individuals or dispersal of demonstrations and assemblies will be measures of last resort and will

require the approval of the Chief of Police or Vice President for Public Safety, unless there is an immediate safety issue.

V. Disruption of Campus Activities, Events & Classes

- A. Whenever disruption of a campus event, meeting, or class is anticipated, a JHPD incident commander will be appointed and will prepare an IAP for JHPD only.
- B. The initial response to disruptions of campus events, classes, and meetings should ordinarily be handled by Student Affairs or Public Safety.
- C. If the disruption escalates to the point that a meeting, speaker, or class is unable to continue or the disruption is causing health, safety, and welfare concerns (such as blocking of halls or doors of a building or camping in outdoor open spaces), the following procedures shall be followed:
 - Student Affairs or Public Safety will ask the individuals to stop the disruptive behavior and inform them that they will be asked to leave if they do not comply. JHPD will not be involved at this point.
 - If the behavior does not stop, and the Student Affairs or Public Safety request assistance, a JHPD representative shall accompany them to ask the individuals to leave the area or cease the disruptive behavior.
- D. Whenever possible, the JHPD incident commander will contact the Chief of Police who will determine if the action merits a response, removal, or relocation to an adequate space. Considerations include:
 - Overcrowding, health, and safety concerns
 - Fire code violations
 - Impact to University operations
 - Operational hours of a building
- E. Unless there is an immediate disruption of campus activities that is creating a health and safety concern, the JHPD response should wait until Chief of Police determines appropriate action.
- F. When directed by the Chief of Police or where there the disruptive activity presents an immediate health, safety, and welfare concern the JHPD incident commander will coordinate the relocation or removal of the disruptive individuals, including identifying an alternate location when their demonstration or assembly can continue, if possible, and staging appropriate JHPD and BPD officers to handle the removal, if needed.
- G. **Removal:** Prior to any removal of the disruptive individuals, unless there are immediate health, safety, and welfare concerns, Student Affairs or Public Safety will try to de-escalate so that they voluntarily disperse or move to a

location where they can legally continue the assembly or demonstration without creating a disruption. Unless there are immediate health and safety concerns that require JHPD to expedite removal, the following process for removal should be followed:

- Should de-escalation efforts fail, Student Affairs or Public Safety will read the individuals a prepared statement, notifying them that they are in violation of university or facility policy and identify all administrative and criminal sanctions that could result, should their unlawful actions continue.
- Where possible, Student Affairs or Public Safety will identify an alternative location where they can lawfully continue their demonstration or assembly without creating a disruption.
- If they continue to engage in a disruption, in violation of University policy, a designated officer of Public Safety, as the Johns Hopkins University agent and with approval of Johns Hopkins University leadership, will notify them that they are trespassing, in violation of MD Code, Criminal Law, § 6-403, Wanton Trespass, and that they must disperse or be subject to criminal charge and possible arrest. For example:
 - o “I am (name). This is Johns Hopkins University property. You are hereby given notice that you are on private property and may not remain. If you refuse to leave, you are in violation of Maryland law. I am requesting that you now leave this facility. Those who do not leave this building immediately are subject to arrest.”
- In addition and if applicable, the notice should include an advisement that, pursuant to MD Code, Education, § 26-101, disorderly conduct or obstruction of activities, administration, or classes prohibited, it is a criminal misdemeanor for any individual to “willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes...of any institution of higher education” or “threaten with bodily harm any student, employee, administrator, agent, or any other individual who is lawfully:
 - o On the grounds or in the immediate vicinity of any institution of higher education
 - o On a school vehicle
 - o At an activity sponsored by a school that is held off school property
 - o On property that is owned by a county board and is used for administrative or other purposes
- The notice shall be given three times at five-minute intervals, after

which, the JHPD officers will remove anyone that refuses to leave the property and process the criminal violation in accordance with JHPD Directive #424, Arrests & Alternatives to Arrest.

H. Civil Disturbances: The JHPD does not have adequate staffing levels or facilities to successfully manage significant incidents of civil disturbances or unrest. Should the potential for civil disturbance arise or be identified by the JHPD incident commander in the planning phase for any demonstration or assembly, the JHPD incident commander shall immediately contact Baltimore Police Department's (BPD) liaison established in the IAP or otherwise and, upon their arrival, transfer the incident command from JHPD to BPD. (CALEA 46.1.3.d)

- Until BPD's arrival, JHPD officers will maintain order and, if necessary to protect public safety or property, arrest persons that they have individualized probable cause to believe have committed or are committing a crime.
- Upon BPD's arrival, officers shall aid the BPD as instructed by the JHPD incident commander.
- JHPD officers will adhere to all applicable JHPD policies, unless directed by the JHPD incident commander.
- BPD's management of the incident will include responsibility for any declaration of an unlawful assembly and dispersal orders.

I. Demonstrations and Assemblies Intervention Strategies: When BPD has not assumed command of the incident, unless the assembly or demonstration is disputing a campus event, class or meeting, or otherwise poses an immediate health and safety concern, that requires immediate dispersal, assemblies and demonstration should not be dispersed until after the following demonstration and assembly intervention strategies have been considered and, if feasible, employed, and the incident commander has fully assessed whether dispersal is the best tactical and least intrusive approach:

- Intervention strategies:
 - o Use organizers and monitors to gain voluntary compliance and negotiate a resolution of the situation.
 - o If possible, isolate unlawful activity by individuals or small groups in an otherwise peaceable assembly through targeted enforcement, and removal and arrest of law violators such that a peaceable assembly may continue.
 - o Use loudspeakers or other communication methods to communicate JHPD's desire to allow for the continuation of peaceful activity, explain proper behavioral expectations to individuals involved, and request that they collectively self-govern

and monitor those around them so that the demonstration or assembly may continue.

- Considerations as to whether a dispersal order is the best tactical approach or the least intrusive response shall include:
 - o Whether there is a way to de-escalate the situation.
 - o Whether those engaging in criminal or unlawful behavior can be isolated and dispersed or arrested without requiring all peaceful members of the demonstration or assembly to be dispersed.
 - o Whether there is an alternative location where the assembly or demonstration can be moved to so that they can continue in a lawful manner.
 - o Whether JHPD has adequate resources on hand to disperse the demonstration or assembly.
 - o Based on the totality of the circumstances, the likelihood that announcing an unlawful assembly and requiring dispersal will decrease the unlawful activity or, alternatively, intensify the unlawful activity.

J. Declaring an Assembly Unlawful: If the JHPD incident commander determines that unlawful conduct cannot be controlled through intervention techniques, the JHPD incident commander, with approval from the Chief of Police, may declare an assembly unlawful and issue a dispersal order and warning if:

- There is a widespread threat to public safety or from criminal conduct (e.g., collective violence, destruction of property, collective wanton trespass).
- Dispersal is necessary to maintain public safety and health.
- Note: The decision to declare an assembly unlawful will be rare. It requires clear justification and extensive documentation detailing the facts that led to the decision.
 - o The failure to obtain a permit is not a sufficient basis to declare an assembly unlawful.
 - o The fact that some of the persons involved in an assembly or protest have engaged in isolated unlawful acts or have engaged in unlawful acts on prior occasions is not a valid basis for declaring an assembly unlawful.
- The JHPD incident commander shall constantly reassess and adjust tactics as the assembly or demonstration changes. For example, if the assembly or demonstration regroups in an allowable place and is no longer unlawful, it should be allowed to continue.

- The JHPD incident commander shall consider and take reasonable and appropriate steps to ensure the safety of bystanders, legal observers, and members of the media, when issuing a dispersal order.
- With the exception of spontaneously occurring events and when practicable, the incident commander will consider identifying an area outside of the protest or assembly but within viewing distance for members of the media and legal observers to assemble.
 - o Note: It is the JHPD's goal to provide the members of the media and legal observers as much access as is safely possible to assist them in their duties and responsibilities. Nothing about this Directive restricts access by any member of the media or legal observer to such identified areas, and officers shall not take enforcement action solely because members of the media or legal observers do not remain within the identified area.
- The report documenting the reasons for declaring an assembly unlawful will include body-worn camera footage from officers at the scene.

K. Standardized Dispersal Order and Warnings: If JHPD incident commander needs to give a dispersal order and warnings to an assembly or demonstration, they shall adhere to the following guidance:

- Give a standardized dispersal orders and warnings when warning individuals or crowds who are in violation of the law that they are subject to arrest if they do not disperse.
- Based on the size of the crowd and environmental conditions, communicate all standardized dispersal orders and warnings via a communication device that ensures that members of the group can clearly hear the warnings being issued.
- Video and audio record all standardized dispersal orders and warnings via body-worn camera.
- Record the exact date, times, and locations of standardized dispersal orders and warnings given on the Standardized Dispersal Order and Warnings Form.
- Specify adequate egress or escape routes in the announcement. Whenever possible, a minimum of two escape or egress routes shall be identified and announced.
- Unless an immediate risk to public safety exists or significant property damage is occurring, allow sufficient time for a crowd to comply with police commands before action is taken.
- Give dispersal orders in English and other languages that are appropriate for the audience.

- Do not give a dispersal order until officers are in position to support and direct the demonstration or assembly's movements.
- If possible, officers shall direct the members of the event to an alternative campus location where the event can continue and still maintain public safety and health.
- Any declaration that an assembly is unlawful and dispersal order must be subsequently documented in writing and follow this Directive.
- Officers shall not substantially surround or enclose persons participating in or observing an assembly or demonstration and prevent them from leaving the area.
- Officers shall only use force that is reasonable, necessary, and proportional to disperse or move an assembly or demonstration, in accordance with JHPD Directive #402, Police Use of Force.
- If an assembly or demonstration disperses following a dispersal order and warnings reconvenes at a different location where the participants engage in a lawful assembly or demonstration, no order to disperse shall be issued; if it is established that the assembly at the new location is unlawful, adequate warnings must be rendered.
- **Prohibition Regarding the Use of Authorized Defensive Weapons and Less Lethal/Chemical Munitions.** The use of authorized defensive weapons, Conducted Electrical Weapons (CEW), less lethal munitions, or chemical munitions to disperse an assembly or demonstration is prohibited. If at any point in planning or responding to a demonstration or assembly, the JHPD incident commander believes, based on the widespread violent conduct, that the use of such tactics may be necessary, BPD should be immediately notified.
- **Individualized Arrests.** If feasible, officers must obtain JHPD incident commander approval, to be documented as soon as practicable, before issuing any citations or making arrests related to a refusal to obey a dispersal order or related to any assembly or demonstration activities, unless those activities pose a threat of imminent harm to persons or property and violate a state or local law.
 - o The supervisor also must be present to approve an arrest for refusal to obey a dispersal order during a public protest prior to the arrestee's transport to a holding facility, absent unusual circumstances to be documented as soon as practicable.
 - o Officers making the arrest shall follow all JHPD applicable policies.

L. Mass Arrest: Efforts shall be made to isolate and remove specific individuals or groups of agitators whose purpose is to incite the crowd before orders for mass

arrest are issued in response to illegal behavior. Often, removing agitators will cause others in the crowd to de-escalate activity or disperse without further law enforcement intervention.

- The JHPD does not have adequate personnel or facilities to successfully manage incidents of mass arrest. Should the potential for a mass arrest situation arise, the JHPD incident commander should immediately contact the Chief of Police or Vice President of Public Safety to notify leadership and to coordinate with the appropriate BPD commanders to have sufficient resources available to handle any arrests of a large number of people.
- If the Chief of Police or Vice President of Public Safety is not available or delay will cause undue harm, the JHPD incident commander shall immediately contact the relevant BPD district commander.
- If the JHPD incident commander believes that the situation may necessitate mass arrests, or upon notice that BPD intends to execute mass arrests, the JHPD incident commander shall assist the BPD commander, and if necessary be prepared to: (CALEA 46.1.4.d)
 - o Ensure sufficient arrest teams are assembled, equipped, and staged.
 - o Equipment shall include prepackaged arrest packets including: Central Booking and Intake Facility wrist bands, BPD Charge Information Form 11/165, flex cuffs, etc.
 - o Stage enough prisoner transportation vehicles.
 - o Notify Central Booking and Intake Facility to prepare to receive arrestees.
 - o Identify an alternate facility prepared to accept additional arrestees beyond the capacity of the Central Booking and Intake Facility.
 - o Assign personnel to process and charge prisoners.
- The JHPD confronted with a situation where large numbers of individuals will be arrested for violations of the law should consider the following issues:
 - o Number of officers
 - o Number of protesters
 - o Seriousness of violations
 - o Demeanor of protesters
 - o Availability of arrest teams and arrestee transportation
- Note: Where event organizers or individuals participating in the demonstration or assembly indicate either in advance of or during the incident that they want to be symbolically arrested (for something like blocking the roadway) for the purpose of making a political statement, the JHPD incident commander shall ensure that adequate resources are

available to handle the arrests and shall adhere to Directive #424, Arrests & Alternatives to Arrest in determining appropriate charging.

M. Equipment: Each officer of the JHPD, regardless of rank, will be issued the following equipment maintained in a ready status at all times: (CALEA 46.1.6 e).

- Personal protective equipment (PPE) also referred to as “turtle gear”
- Personal protective respirator (PPR) also referred to as a “gas mask”
- Shield
- Helmet
 - This equipment is specifically for use when confronted with a significant violent civil disturbance or declaration of emergency and shall not be donned unless approved by the JHPD incident commander, with approval from the Chief of Police or Vice President of Public Safety.
- In most incidents, officers shall remain in their normal uniforms and carry their normal equipment when responding to acts of expression protected by the First Amendment, demonstrations, and assemblies. The wearing of PPE is often seen as escalatory in nature and shall only be worn when authorized by the Chief of Police.

VI. Demobilization (CALEA 46.1.5 c)

A. Upon completion of a response to acts of expression protected by the First Amendment activity, demonstration, or assembly operation, the JHPD incident commander shall:

- Designate an officer to supervise the demobilization process.
- Ensure that all equipment and personnel are accounted for.
- Coordinate transportation for the return of personnel and equipment, if necessary.

B. After-Action Review: Conduct and complete an After-Action Review report. (CALEA 46.1.3 i)

VII. Training (CALEA 46.1.12)

Each officer of the JHPD, regardless of rank, shall:

- Successfully complete a training course on Incident Command System and response to acts of expression protected by the First Amendment, assemblies, and demonstrations approved by the director of training.
- Successfully complete annual training, via PowerDMS, on this Directive and other related trainings as mandated by the director of training.

- When scheduled, participate in joint training exercises with the BPD regarding response to acts of expression protected by the First Amendment, assemblies, and demonstrations.

Evidence of each officer’s training — including the officer’s attendance, dates of training, test scores, or other proof that the officer successfully completed the training — shall be documented by the Public Safety Training Division.

Policy Enforcement

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

Related Resources

University Policies and Documents
Conduct & Responsibility #106, Fair & Impartial Policing Conduct & Responsibility #107, Interactions with LGBTQ+ Individuals Conduct & Responsibility #110, Observation & Recording of Police Services Conduct & Responsibility #111, Duty to Intervene Conduct & Responsibility #401, De-escalation Operational Procedure #402, Use of Force Operational Procedure #403, Authorized Defensive Weapons Operational Procedure #406, Special Impact Weapon Operational Procedure #412, Custody, Transport & Processing Operational Procedure #424, Arrests & Alternatives to Arrest Operational Procedure #480, Critical Incident & Response Management
External Documentation
Public Order Forces Standard Operating Procedure (SOP), Baltimore Police Department
Police Department Forms and Systems

Contacts

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