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### ISSUE PAPER

#### **JHPD/Citizen Contacts (incl. Investigative Stops, Searches, Arrests)**

*Johns Hopkins University & Medicine (“Johns Hopkins”) is exploring creating an independent, professional police department to augment its existing safety and security operation. Currently, the majority of our campus public safety contingent serves to help deter crime by observing and reporting urgent needs, but lacks the capacity to intervene in unfolding crimes.*

*Creating a Johns Hopkins Police Department (JHPD) would allow the university to build a campus public safety contingent that can provide more visible deterrence and respond more quickly and effectively to crimes and campus-specific threats like active shooter incidents. A sworn police department would be able to stop and arrest persons engaged in crimes on Johns Hopkins properties, use lights and sirens, access law enforcement data bases, and communicate with local law enforcement through shared radio frequencies. It would also afford Johns Hopkins a trained police contingent that is prepared to meet the unique needs of a university community, all in coordination with city, state and federal law enforcement partners.*

*We see this as a critical and unique opportunity to build a model university police department that reflects contemporary best practices in community policing, and upholds in every way the core values of our institution – including an unwavering commitment to equity and inclusion, a deep respect for freedom of expression, and a meaningful connection to our neighbors – undergirded by our commitment to transparency and accountability.*

#### **Core Institutional Values Informing JHPD Approach to Police-Citizen<sup>1</sup> Contacts**

Johns Hopkins understands that effective public safety relies on strong mutual trust between citizens and police and a shared perception of procedural fairness. To build this trust, JHPD will practice community policing by: building police-community relationships, seeking to address common neighborhood safety problems in collaboration with community members, and providing equitable police services to all community members of all backgrounds. In all citizen contacts, JHPD officers will act in ways that maintain trust and display procedural fairness.

Preserving and improving human life is a central mission of Johns Hopkins, as reflected in its provision of patient care, its research into potential cures, and its pursuit of policy interventions that strengthen society. In keeping with this mission, it will be the unambiguous policy of the JHPD to act only in ways that value and preserve human life.

Johns Hopkins is also committed to the rule of law and the protection of human rights and civil liberties. All JHPD conduct must reflect that commitment, and it will be the obligation of JHPD

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<sup>1</sup> “Citizen” in this issue paper is to be understood not in its narrow legal sense but broadly, encompassing all non-police individuals with whom police officers come into contact. It therefore includes undocumented immigrants, foreign nationals, non-citizen visitors, etc.

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officers to intervene to stop officers who are treating others in ways that violate the law or University policy.

### **Rationale for Police-Citizen Contact General Orders at Johns Hopkins**

There are many instances when JHPD officers will have grounds to stop someone in their patrol area for questioning, including when needing to gather information from witnesses to a crime, and when needing to redirect someone away from a crime scene. There also instances when JHPD officers will have grounds to stop and perform a search or make an arrest, like when observing a person committing a crime. In these encounters, it is imperative that JHPD officers have appropriate training and protocols in place to govern their conduct, to ensure that those they stop are treated fairly and in ways that maintain trust between citizens and the JHPD.

### **Best Practices that Will Be Adopted by the Johns Hopkins Police Department**

The University has surveyed policies and general orders for field interviews, investigative stops, searches, and arrests at municipal police departments and peer university police departments across the country, and has also consulted the work of leading research and advocacy organizations involved in policing, both from the law enforcement perspective and the citizen perspective. The following best practices are ones that uphold Johns Hopkins' core institutional values and therefore will be incorporated into the JHPD general orders for field interviews, investigative stops, searches, and arrests:

#### **For all Police-Citizen Contacts**

- Require officers to act professionally, respectfully, and with restraint, including expressing appreciation for the citizen's cooperation;
- In no circumstances will JHPD provide preferential treatment to an individual based on their affiliation or non-affiliation with Johns Hopkins;
- Require officers to treat citizens with equal dignity regardless of background;
  - Factors such as a person's perceived race, sex, sexual orientation, gender identity, gender expression, age, dress, or appearance do not alone justify even a brief stop;
- Require officers to identify themselves and provide a business card with their full name and badge number [or, if no business card, require them to offer full name and badge #];
- Require officers to explain the purpose of the interaction;
- Require officers, when interacting with non-native speakers, to provide contact information for translation assistance;
- Prohibit officers from inquiring about immigration status;
- Require officers to pursue alternatives to force as a first resort whenever possible (*see* "De-escalation and Use of Force" issue paper);
- Require officers to wear body-worn cameras (*see* "Body-Worn Camera" issue paper);
- Require officers to explain the JHPD complaint process, if asked;
- Provide public access to JHPD general orders related to police-citizen contacts

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### Field Interviews

*A field interview is when an officer merely approaches a person in a public place, engages them in conversation, and requests information, with the person being free not to answer and walk away. Note that a field interview can become an investigative stop if an officer develops a reasonable articulable suspicion that the person is committing or has committed a crime (see below).*

- Require officers to keep the encounter as brief as reasonably possible;
- Permit citizens to end the encounter and leave at any time, unless a reasonable articulable suspicion develops during the encounter to justify a stop (and the citizen's expressed desire to end the encounter cannot be used to justify a stop);
- To avoid having their actions be perceived by a citizen as a restraint on her/his freedom to leave the officer's presence, require officers to phrase requests using optional words such as "may," "would you mind," or similar terms and phrases;
- Prohibit officers from creating a physical or other barrier to the citizen's ability to leave, such as keeping her/his identification;
- Prohibit officers from initiating field interviews as a means of harassment or coercion to do anything (e.g., leave the area, consent to a search);
- When off campus, prohibit officers from escalating a field interview due to the citizen's failure to carry identification, which they are not required to do to account for their presence in a public place

### Investigative Stops

*An investigative stop is a physical or verbal action that involves the delay, hindrance, or holding of a person. Investigative stops can only be done if a JHPD officer has reasonable articulable suspicion that the individual has committed, is committing, or is about to commit a crime.*

- Prohibit use of investigative stops as a general crime deterrence strategy;
- Require officers to stop a person only for that period of time necessary to effect the purpose of the stop;
- Require officers to conduct investigative stops only at or near initial contact locations and not to move to other locations without consent of the person stopped;
- Require officers to limit questions to those concerning the person's identity, place of residence, and other inquiries necessary to resolve the officers' suspicions;
- Require officers to notify a supervisor if the person is:
  - Injured during the investigative stop or complaints of injury;
  - Transported from the initial place of contact;
  - Stopped for more than 20 minutes; or
  - Handcuffed and/or subjected to an arrest and control technique

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- If the person is released at the conclusion of the stop, require officers to immediately release the person and also provide transportation if the person was taken from the initial place of contact;
- Whether or not an investigative stop results in charges or an arrest, require officers to complete a Field Interview Report (FIR) form within 24 hours

### **Pat-Downs and Searches (Performed as Part of an Investigative Stop)**

- Allow officers to perform a weapons pat-down only when warranted by reasonable articulable suspicion and then only in the manner prescribed in the applicable general order;
- Apart from weapons pat-downs, prohibit officers from conducting searches without probable cause;
- Require officers to explain rights around consent to search prior to any search;
- Require officers to obtain verbal and, if the officer is wearing a BWC, on-camera, acknowledgement of (1) the person's understanding of their right to refuse to consent and (2) their consent to search;
- Whenever possible, have at least one other JHPD officer present during the search;
- Whenever possible, respect individuals' request to be searched by a JHPD officer of a particular gender (and document this request);
- Prohibit searches for the purpose of assigning gender based on anatomical features;
- Require officers to include a record of the search in the FIR form

### **Arrests**

- Allow officers to make an arrest only when warranted by probable cause and then only in the manner prescribed in the applicable general order;
- Require officers to consider alternatives to arrest, like warnings or citations or referrals to Student Affairs, when alternatives will suffice as well as, or better than, an arrest;
  - Officers will also abide by the university's [Amnesty and Responsible Action Protocol](#) when responding to a call for assistance with a medical emergency and/or mental health crisis
- Require officers to ensure the safety of all individuals involved;
- If force is warranted, require officers to use only the level of force necessary to effectuate the arrest (*see* "De-escalation and Use of Force" issue paper);
- When making decisions about transport and custody, require officers to deem an individual's gender to be male or female based on the individual's gender identity;
- Require officers to immediately release a person if they discover, after arrest, that probable cause no longer exists;
- Require officers to notify a superior of each arrest, and to document each arrest using a standard form, including each arrest that involved a subsequent release, as soon as practicable after the arrest and no later than the end of their shift.

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### **Training**

- Require field training in the neighborhoods that the officers will serve, including introductions to community leaders;
  - Develop and maintain a contact list of all leaders within minority and immigrant communities in/near the patrol zones, so that they can be reached quickly during a time of crisis or when an action is about to occur that may be of concern to their particular community;
- Require training in community policing, including understanding community expectations and reservations around policing in Baltimore;
- Require training in procedural justice in police-citizen interactions;
- Require training in preventing racial profiling and combatting implicit bias, which can impact decisions about whom to stop and how invasive the stop will be;
- Require training in cultural competence and LGBTQ competence;
- Require training in crisis intervention, including detecting behavior that calls for a medical and/or mental health intervention rather than a traditional law enforcement stop;
- Require training in trauma-informed practices for police-citizen contacts, including contacts involving victims of sexual assault;
- Require training in de-escalation techniques, including effective communication with the person perceived to be creating a threat;

### **Works Consulted**

- ***Selected police departments whose policies/G.O.s were reviewed:***
  - San Francisco Police Department, General Order on Community Policing (Sept. 2011)
  - San Francisco Police Department, General Order on Investigative Detentions (Nov. 2003)
  - Seattle Police Department, General Order on Arrest, Search and Seizure (Feb. 2016)
  - Seattle Police Department, General Order on Bias-Free Policing (July 2018)
  - Montgomery County Police Department, Consent Searches (Feb. 2004)
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  - Coppin State University Police Department, Manual of Rules and Procedures
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  - Baltimore Police Department, consent decree drafted Fair and Impartial Policing Policy (Aug. 2018)
  - Baltimore Police Department, consent decree drafted Policy on Field Interviews, Investigative Stops, Weapons Pat-Downs, and Searches (July 2018)
  - University of Maryland, Baltimore Police Force, Written Directive on Bias Based Profiling (March 2009)

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- Yale University Police Department, General Order on Arrests (Mar. 2012)
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- ***Selected organizations consulted:***
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  - Council of State Governments Justice Center, “[Trauma-Informed Policing: Addressing the Prevalence of Trauma in Law Enforcement Encounters](#)” (Aug. 2017)
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  - International Association of Chiefs of Police, “[Field Interviews and Pat-Down Searches – Model Policy](#)” (May 2000)
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  - U.S. Department of Justice, COPS, “[Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence: A Roundtable Discussion](#)” (2016)
  - U.S. Department of Justice, COPS, “[Gender, Sexuality, and 21<sup>st</sup> Century Policing: Protecting the Rights of the LGBTQ+ Community](#)” (2017)
  - Yale Law School Justice Collaboratory, “[Principles of Procedurally Just Policing](#)” (Jan. 2018)
  
- ***Selected academic articles consulted:***
  - Blanks, Jonathan, “[Thin Blue Lies: How Pretextual Stops Undermine Police Legitimacy](#),” 66 *Case Western Reserve Law Review* 931 (2016)

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- Forman, James Jr., “[Community Policing and Youth as Assets](#),” 95 *Journal of Criminal Law and Criminology* 1 (2004-2005)
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  - *Terry v. Ohio*, 392 U.S. 1 (1968)