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### ISSUE PAPER

## De-Escalation & Use of Force by the Johns Hopkins Police Department

*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 De-Escalation & Use of Force**

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. All JHPD conduct must reflect that commitment, and it will be the obligation of JHPD officers to intervene to stop officers who are treating others in ways that violate the law or University policy.

### **Rationale for De-Escalation & Use of Force General Orders at Johns Hopkins**

While carrying out their duties, JHPD officers will sometimes be faced with situations in which use of force is required, e.g., to stop a person who is attempting to injure or kill another person. In these situations, JHPD officers must understand how best to de-escalate first, if possible, and

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then what type and degree of force to deploy to ensure safety and avoid preventable harm to all involved.

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

The University has surveyed de-escalation and use-of-force policies and general orders 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 order on de-escalation and use of force:

#### **Safeguarding Human Life and Dignity**

- Require officers to pursue alternatives to force as a first resort whenever possible;
- Authorize officers to use force only when no reasonably effective alternative appears to exist, and only after exhausting all reasonable alternatives to force (e.g., de-escalation, moving potential victims to a safer position);
- Require officers to carry less-lethal weapons

#### **Proportionality**

- When force must be used, require officers to use only the force that is objectively reasonable to remove the threat, and deploy it in accordance with clear guidelines governing the types of force and tools authorized for particular situations (critical decision-making model);
- Prohibit certain types of force categorically, e.g., chokeholds, "rough rides";
- Prohibit any use of force for certain types of situations, e.g., to respond to verbal abuse and/or in retaliation (e.g., using force purely to punish persons for fleeing or resisting arrest);
- Prohibit certain types of force from being used against certain populations, e.g., CEW use against small children;
- Prohibit certain types of force against students, faculty, or staff participating in nonviolent protest (e.g., University of Maryland bans use of Oleoresin Capsicum (pepper spray))

#### **Duty to Intervene**

- Require officers to intervene to stop officers who they witness using excessive force or otherwise using force in violation of law or police department policy;
- Require officers to report officers whom they learn used excessive force or otherwise used force in violation of law or police department policy;
- Require officers to render medical assistance immediately to anyone who is injured by the use of force

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### Transparency & Accountability

- Require officers to wear body-worn cameras;
- Require public reporting on all use of force incidents by officers;
- Establish an internal use-of-force review process;
- Maintain data on officers' use of force and use that data, and associated internal review findings, as the basis of proactive performance interventions (e.g., additional training or supervision, or referral for counseling)

### Training

- Required training in constitutional policing as it pertains to use of force;
- Require training in de-escalation techniques, including effective communication with the person perceived to be creating a threat;
- Require training in preventing racial profiling and combatting implicit bias, which intersects with decisions to use force;
- Require training in detecting behavior that calls for a medical and/or mental health intervention rather than a use-of-force response (e.g., "[Memphis model](#)" training);
- Require training in how to collaborate with non-police University resources, like requesting assistance from the mental health practitioner on call

### Works Consulted

- *Selected police departments whose policies/G.O.s were reviewed:*
  - San Francisco Police Department, General Order on Use of Force (Dec. 2016)
  - Baltimore Department of Police, consent decree approved Use of Force Policy (June 2018)
  - Maryland Police Corrections and Training Commission, Use of Force Best Practices (2018)
  - Maryland Department of Public Safety and Correctional Services, Dear Agency Head Letter (Jan.19, 2018)
  - University of Cincinnati Department of Public Safety, Police Division, Policy on Use of Force (May 2018)
  - University of Maryland, Baltimore Police Force, Written Directive on Use of Force (June 2018)
  - University of Maryland, Department of Public Safety, Manual of Rules and Procedures, Use of Force and Weapons (Nov. 2017)
  - Yale University Police Department, General Order on Use of Force (July 2016)
- *Selected organizations consulted:*
  - ACLU (multiple sources)

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- Campaign Zero, “[Limit Use of Force](#)” & “[Model Use of Force Policy](#)”
- International Association of Campus Law Enforcement Administrators, “[IACLEA Accreditation Standards Manual](#)” (May 2018)
- International Association of Chiefs of Police, “[National Consensus Policy on Use of Force](#)” (Oct. 2017)
- NAACP LDF, “Initial Comments on Baltimore Police Department’s Use of Force Policies” (Mar. 15, 2018)
- National Initiative for Building Community Trust & Justice (multiple sources)
- National Institute of Justice, “[Police Discipline: A Case for Change](#),” *New Perspectives in Policing*, June 2011
- Police Executive Research Forum, “[About ICAT](#)” (2016)
- Police Executive Research Forum, “[Guiding Principles On Use of Force](#)” (2016)
- President’s Task Force on 21<sup>st</sup> Century Policing, “[Final Report](#)” (May 2015)
- U.S. Department of Justice, Community Oriented Policing Services (COPS), “[How to Support Trust Building in Your Agency](#),” *Police Perspectives: Building Trust in a Diverse Nation No. 3* (2016)
- U.S. Department of Justice, COPS, “[Emerging Use of Force Issues: Balancing Public and Officer Safety](#)” (March 2012)
- Yale Law School Justice Collaboratory, “[Principles of Procedurally Just Policing](#)” (Jan. 2018)
- **Selected academic articles consulted:**
  - Ariel, Barak, William A. Farrar, and Alex Sutherland, “[The Effect of Police Body-Worn Cameras on Use of Force and Citizens’ Complaints against the Police: A Randomized Controlled Trial](#),” *Journal of Quantitative Criminology* 31:509–35 (2015)
  - Fryer, Jr., Ronald G., “[An Empirical Analysis of Racial Differences in Police Use of Force](#),” *NBER Working Paper Series* (2018)
  - Obasogie, Osagie K. and Newman, Zachary, “[Police Violence, Use of Force Policies, and Public Health](#),” *American Journal of Law & Medicine*, 43 (2017): 279-295
  - Smith, Michael R., Robert J. Kaminski, Geoffrey P. Alpert, Lorie A. Fridell, John MacDonald, and Bruce Kubu, “[A Multi-Method Evaluation of Police Use of Force Outcomes](#),” *Final Report to the National Institute of Justice*, July 2010, Award No. 2005-IJ-CX-0056, NCJ 231176
  - Terrill, William, Eugene A. Paoline III, and Jason Ingram, “[Assessing Police Use of Force Policy and Outcomes](#),” *Final Report to the National Institute of Justice*, February 2012, Award No. 2005-IJ-CX-0055, NCJ 237794
- **Selected statutory and case references:**
  - Maryland Constitution, Declaration of Rights, Art. 24, Due process

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- Md. Code Ann., Public Safety § 3-514, Filing of incident reports regarding use of force
- Md. Code Ann., Public Safety § 3-701, Law enforcement actions involving First Amendment activities