



POLICE DEPARTMENT

**FAIR & IMPARTIAL
POLICING**

**CONDUCT &
RESPONSIBILITY #106**

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
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Policy Statement

The Johns Hopkins Police Department (JHPD) shall respect the constitutional rights of every individual in the performance of its duties. All members of the JHPD will treat each member of the public in a fair, respectful, impartial, and nondiscriminatory manner. Bias-based or discriminatory policing is prohibited. Members of the JHPD must strive to understand their own implicit biases and to keep such biases from clouding their official judgment and actions. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 1.2.9.a)

Who Is Governed by This Policy

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

Purpose

The purpose of this Directive is to affirm the JHPD’s commitment to providing respectful, fair, and impartial police services that do not discriminate against any individual or group.

Definitions

Bias-Based or Discriminatory Policing:

Practices and policies that result in the differential treatment, enforcement, or service of any person by law enforcement officers motivated by actual or perceived characteristics including but not limited to race, ethnicity, national origin, religion, gender, sexual orientation, gender identity or expression, economic status, familial status, age, cultural group, disability status, housing status, immigration status, language ability, HIV status, mental illness, political ideology, social status, veteran status, skin color, addiction, and affiliation with any noncriminal (protected) group. Furthermore, a person's prior criminal history shall not affect the services they receive from the JHPD as a crime victim or as a resident or visitor in need of assistance or services.

Bias by Proxy:

This occurs when individuals call the police and make false or ill-informed claims about persons they dislike or are biased against based on explicit racial or identity profiling or implicit bias. When the police act on a request for service rooted in implicit or explicit bias, they risk perpetuating and validating the caller's bias. Members shall use their critical decision-making skills and draw upon their training to assess whether there is criminal conduct.

Explicit Bias:

Positive or negative preferences for a particular group that are conscious. With explicit bias, individuals are aware of their prejudices toward certain groups.

Implicit Bias:

Attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control.

Investigative Stop:

The temporary involuntary detention and questioning of a person where the person was stopped based on reasonable articulable suspicion (RAS) that the person is committing, is about to commit, or has committed a crime. It occurs whenever an officer uses words or takes actions to make a person halt, or to keep a person in a certain location, or to compel a person to perform some act. If a reasonable person under the circumstances would believe that they are not free to leave, a "stop" has occurred.

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| 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. |
| Personal Characteristics: | May include but are not limited to actual or perceived identity, race, color, ethnicity, national origin, language fluency, gender, gender identity or expression, sexual orientation, marital status, mental illness, intellectual or physical disability, age, religion, housing, and socioeconomic status. |
| Probable Cause: | Where the totality of the circumstances, including all facts and circumstances known to the officers at the time and their relevant training and experience, taken as a whole, would lead a reasonably prudent officer to believe there is a fair probability that (1) for purposes of a crime, a particular person has committed or is committing a crime, (2) for purposes of an enforceable civil violation, a particular person is committing or has committed a civil violation, (3) for purposes of a traffic offense, that particular vehicle or person has committed or is committing a particular violation of the traffic laws, or, (4) for purposes of a search, either contraband or evidence of a crime will be found in a particular location. Probable cause is an objective legal standard that requires stronger evidence and greater certainty than RAS. |
| Reasonable Articulate Suspicion (RAS): | A well-founded suspicion based on the totality of the circumstances, including specific, objective, articulable facts, taken together with the officer's training and experience, that would lead a reasonably prudent officer to believe, (1) for purposes of an investigative stop, a person has committed, is committing, or is about to commit a crime or, (2) for purposes of a pat-down, a person is armed. RAS is based upon an objective assessment of the facts and circumstances presented to the officer. RAS is an objective legal standard that is less substantial than probable cause but more substantial than a hunch or general suspicion. |
| Vehicle Stop: | A vehicle stop is defined as any instance when a law enforcement officer detains the driver of a motor vehicle for any period for a suspected violation of Maryland law. |

Policy

Pursuant to the 14th Amendment to the U.S. Constitution, Article 24 of the Maryland Declaration of Rights, Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq., Title II of the Americans with Disabilities Act, 42 USC §§ 1231–12134, the Omnibus Crime Control and Safe Streets Act of 1968, 34 USC § 10101 et seq., and MD Code, Criminal Procedure, § 4-101.1, the JHPD strictly prohibits bias-based or discriminatory policing. The JHPD prohibits bias and discrimination, requires professional police interactions, and ensures that all members base their behavior and all enforcement actions on sound legal reason, to include ensuring that investigative stops and detentions, traffic stops, interviews and interrogations, arrests and citations, searches, uses of force, and asset seizure are consistent with Maryland statutes and the Fourth Amendment of the U.S. Constitution.

Core Principles

Fair and impartial policing is essential to the integrity and legitimacy of the JHPD's law enforcement mission and the department's ability to foster trust with community and professional partners. This Directive is guided by the following core principles:

- I. **Nondiscrimination**: All members are prohibited from using, to any extent or degree, actual or perceived personal characteristics of an individual as a factor in conducting or justifying law enforcement actions, except as part of a reliable, trustworthy, timely, and specific individual physical description where that description includes other appropriate nondemographic identifying factors. (CALEA 1.2.9.a)
- II. **Constitutional Policing**: All members shall engage in law enforcement actions (to include investigative stops and detentions, traffic stops, interviewing and interrogations, arrests and citations, searches and seizures, uses of force, and asset seizure and forfeiture efforts) based only on the appropriate legal standard for conducting such actions and in accordance with police department policy, Maryland statutes, and the U.S. Constitution.

Procedures

Because partnership with the community is the most effective way to ensure public safety, maintaining the public's trust is a primary concern of the JHPD. To secure this trust, and because officers have a duty to prevent discrimination in all its forms, personal characteristics should never have an adverse bearing on an individual's treatment in the offer and delivery of police or public safety services or when otherwise in police care and custody.

I. **Responsibility**

- A. All members of the JHPD shall use the following measures, whenever reasonably possible, when contacting members of the public and taking law enforcement actions. In addition, members shall do the following:
 - Use culturally aware language.

- NOTE: The language used in reference to, and by, members of historically marginalized communities is ever evolving. An appropriate approach is for a member to ask the person if it is acceptable to mirror the language used by the individual to describe themselves.
- Be professional, courteous, and considerate, in conformance with JHPD Directive #103, Rules of Conduct.
- Introduce themselves and explain to the person, as soon as possible, the reason for the contact unless providing this information will compromise the investigation or the safety of members or other persons.
- Ensure the length of the investigative stop or vehicle stop is no longer than reasonably necessary to take appropriate action for the known or suspected offense, as well as any offense that is legitimately discovered during the course of the investigation.
- Ensure that the purpose of reasonable delays is explained to the person who is stopped or detained.
- Answer any questions the person may have.
- Provide name and badge number when requested, verbally, in writing, or on a business card, in conformance with JHPD Directive #103, Rules of Conduct.
- If the RAS for the stop is dispelled or the stop was made in error, explain to the person why the stop was made. If the stop was made in error, apologize for any inconvenience.
- If a person states that they would like to speak with a supervisor or make a complaint, or they refuse to accept a JHPD member's explanation about the encounter, the member shall adhere to the procedures of JHPD Directive #350, Complaints Against Police Personnel for receiving and reporting complaints.
- Notify the individual that they are being recorded via body-worn camera (BWC) in accordance with JHPD Directive #433, Body-Worn Cameras.
- Provide language assistance to persons with limited English proficiency whenever such assistance is requested or required. See JHPD Directive #434, Language Access Services.
- Take all reasonable steps necessary to ensure that persons who are deaf or hard of hearing receive equal access to law enforcement programs, services, and activities. See JHPD Directive #435, Communicating With Persons Who Are Hearing Impaired.

B. Members shall not use language, display symbols, or make gestures that are commonly viewed as offensive to, or indicative of bias toward, any person based on any actual or perceived personal characteristics.

- C. Supervisors shall continually reinforce the ethic of fair and impartial policing and ensure that their personnel, by their actions, maintain the community's trust in law enforcement. This is accomplished by:
- Ensuring that their personnel are familiar with this Directive and support its provisions.
 - Observing the practices of members, including through periodic reviews of BWC footage per JHPD Directive #433, Body-Worn Cameras, to ensure bias-based or discriminatory policing tactics are not utilized.
 - Reviewing completed Incident Reports to ensure that the proper information is recorded.
 - Receiving public complaints about members of the JHPD alleged to have been engaging in bias-based or discriminatory policing and initiating appropriate corrective action.
- D. In addition to advancing procedural justice, faithfully implementing these measures will help combat the effects of implicit bias and strengthen police relationships with the community.

II. Constitutional Policing

- A. Pursuant to the state and federal law, all enforcement actions by law enforcement officers, such as investigations, detentions, traffic stops, arrests, searches, and seizures, must be based on RAS, probable cause, or other relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that justify the given action.
- Members of the JHPD making contact with a person shall be prepared to articulate sufficient reason for the contact, independent of the personal characteristics of that person.
- B. Except as part of a reliable, trustworthy, timely, and specific individual physical description that is based on relevant information that links a specific person to a specific unlawful incident or call for service (such as clothing or associated vehicle), members **shall not** use, to any extent or degree, actual or perceived personal characteristics of an individual while conducting or justifying law enforcement actions. All members are advised as follows:
- These personal characteristics can **never** be used as the sole basis for probable cause or RAS. Officers must be able to describe how the individual physical and personal characteristics are specifically related to establishing RAS or probable cause when initiating enforcement based on such characteristics.
 - These characteristics shall not be the sole basis for conducting any law enforcement action, such as initiating an investigative stop, questioning a person, searching or requesting to search a person,

issuing a citation, or making an arrest. Nor shall these personal characteristics be used as a pretext for investigating other violations of criminal law.

- All personal characteristics that a member considers in order to justify the taking of a law enforcement action must be clearly articulated without the use of boilerplate language in their report.
- “Trustworthy” information, as stated above, is the same standard that members should apply to any information they use to establish RAS or probable cause. It means that the information is worthy of confidence.
- Sexual orientation, religious affiliation, and many other personal characteristics are not physically observable. Therefore, these cannot be part of a reliable and trustworthy physical description of a specific suspect.
- Members must use their critical decision-making skills to assess whether there is evidence of criminal activity after independently assessing the circumstances. When carrying out their duties, members must be cognizant of how bias may influence the situation, whether explicit bias, implicit bias, or bias by proxy.
- Callers or other persons providing information to the JHPD shall be asked to specifically describe the person’s actions and explain why they think they are suspicious in order to enable JHPD members to more accurately determine what, if any, police response is required.

C. Before an officer initiates an encounter with an individual, the officer should consider the following:

- Setting aside the individual’s physical appearance, what specific behaviors is the individual exhibiting that rouse suspicion?
- Do those behaviors make the officer believe that this person poses a risk of violence, criminal activity, or physical harm?
- Who, specifically, would be physically or criminally harmed by this behavior?
- How or by what means does the individual have to commit harm? See Directive #409, Field Interviews, Investigative Stops & Pat-Downs.

D. All persons stopped by an officer shall be provided with an explanation for why they were stopped, unless disclosure of such information would legitimately undermine an investigation or jeopardize the officer’s safety.

- Should an officer determine that disclosing such information creates a risk and choose to withhold explanation, the basis for

withholding such information will be documented in their incident report.

- E. Whenever a member has any nonconsensual investigative or enforcement-related contact with any person, the member shall complete an appropriate report documenting the incident and describing any actions taken in conformance with JHPD Directive #470, Field Reporting System.
- F. In accordance with JHPD Directive #111, Duty to Intervene, members who observe another member engaging in bias-based or discriminatory policing shall intervene to prevent such unlawful policing or to stop and minimize its continuation to prevent additional harm to the individual against whom the bias is used.
- G. Members who have observed or are aware of other members who have engaged in bias-based or discriminatory policing shall report such incidents to a supervisor in conformance with JHPD Directive #350, Complaints Against Police Personnel.
 - The failure of any member to report misconduct is itself misconduct and will be subject to corrective action, including and up to termination.
- H. In developing activities designed to support or strengthen the JHPD's relationships with the diverse communities it serves (e.g., an event intended to address safety concerns of a specific religious or underserved community), members may consider personal characteristics.
- I. Members should consider relevant personal characteristics when determining the best way to serve certain members of the community, particularly those in crisis (behavioral health, housing status, addiction, limited English proficiency, etc.).

III. Fair & Impartial Policing Audits

The JHPD will conduct comprehensive reviews of all police-public interactions. The regular review of pedestrian and vehicular stops will be conducted at every supervisory level to identify exceptional service by individual members, areas for training or improvement, and any perceived disparities. All personnel are required to participate in police-public interaction data-collection efforts.

- A. Patrol supervisors will conduct a comprehensive review of their officers' daily investigative and enforcement activity to include traffic stops, suspicious persons, field contacts, arrest data, and incident reports, along with accompanying BWC footage, to ensure that the required information is submitted for each event and identify any abnormalities in officers' performance or conduct.
 - If, upon review of member practices, a pattern of behavior for a particular member is revealed, the supervisor will review

additional incidents of a similar nature to identify whether the member routinely stops members of a particular group, to include stopping such individuals for violations of vehicle laws as a pretext for investigating other violations of criminal law.

- A supervisor shall ensure that recordings, reports, and any other data that may capture a potential instance of bias-based or discriminatory policing are appropriately retained for administrative investigation purposes.
 - A supervisor identifying a potential pattern of misconduct or otherwise suspecting bias-based or discriminatory policing shall immediately report those facts and information in conformance with Directive #350, Complaints Against Police Personnel.
- B.** The Patrol Commander shall prepare and submit a listing of shift activities on the Daily Activity Report to the Chief of Police through the chain of command in conformance with JHPD Directive #427, Patrol Operations.
- C.** Commanders will regularly review incidents identified through public complaints and daily Shift Briefing Reports, including but not limited to investigative and enforcement actions involving personnel under their supervision, for potential bias-based or discriminatory policing, misconduct, and any abnormalities in officer performance or conduct. Any incidents identified will be referred to the Public Safety Accountability Unit (PSAU) for investigation.
- D.** Commanders will prepare and submit through the chain of command a written report to the Chief of Police monthly. This report will provide a summary of all incidents reviewed in accordance with this Directive and will include any disparities discovered and actions taken to address the disparities.

IV. Responding to Discriminatory Reports by the Public

The public is encouraged to report suspicious activity. At the same time, communications and police personnel should be aware that some of these reports may originate from the caller's unconscious or conscious bias. If any member of the JHPD receives a call for service whose only foundation has to do with an individual's actual or perceived identity, race, color, ethnicity, national origin, language fluency, gender, gender identity or expression, sexual orientation, marital status, mental illness, intellectual or physical disability, age, religion, housing or socioeconomic status, or other potentially improper personal characteristics, they shall do the following:

- A.** Determine if there are other circumstances or facts that would constitute RAS or probable cause, or would otherwise call for a police response. If the complainant can offer no further information, the complainant will be advised of that information and that a supervisor will be in contact at the first opportunity.

- B. The member will notify the on-duty supervisor of the circumstances of the call. The supervisor and/or officer should attempt to familiarize the caller with this policy and the department's commitment to fair and impartial policing, explaining that acting on calls for service based solely on an individual's actual or perceived identity, race, color, ethnicity, national origin, language fluency, gender, gender identity or expression, sexual orientation, marital status, mental illness, intellectual or physical disability, age, religion, housing or socioeconomic status, or other potentially improper personal characteristics is inappropriate.
- C. Members will document the contact in conformance with JHPD Directive #470, Field Reporting System. (CALEA 82.2.1.a)
- D. Members shall ensure that all reports of a potentially biased or hate-motivated incident are answered, investigated, and reported in conformance with JHPD Directive #466, Hate & Bias Incident Investigations.

V. **Education & Training** (CALEA 1.2.9.b)

The JHPD is committed to providing advanced and continued training in subjects that promote fairness and inclusion and that encourage fair and impartial policing.

- A. The Public Safety Training Section will ensure that all members, including JHPD call-takers and dispatchers, receive initial and annual in-service training on fair and impartial policing that is compliant with Maryland Police Training and Standards Commission statutory and regulatory requirements and the requirements of this Directive.
 - Such training will address enforcement methods, including training in member safety, courtesy, cultural diversity, bias-based and discriminatory policing, community interactions, implicit bias, vehicle stops, the laws governing search and seizure, and interpersonal communication skills.
 - This training shall address the issues pertaining to the practice of bias-based and discriminatory policing, including its impact on police and society. Training programs will emphasize the need to respect the rights of all community members to be free from unreasonable government intrusion or police action. Training will also address the legal aspects of discriminatory profiling, including the possibility of criminal and civil liability for such actions.
 - The training should apply principles of procedural justice. See JHPD Directive #109, Procedural Justice. In addition, the training will be informed by, and include a review of, the ACLU of Massachusetts and Bridgewater State University's Racially Just Policing Model Policy, available at https://www.aclum.org/sites/default/files/field_documents/150016_aclum_bridgewater_police_report_d4_singles.pdf.

- At minimum, policy familiarization on fair and impartial policing will be completed during annual in-service training. In addition, an implicit bias assessment shall be administered to all members on an annual basis. The results shall be available to the member and their supervisors, and they shall be stored in the member's personnel file.
 - Furthermore, the JHPD will incorporate segments of its fair and impartial policing content into other training lessons on important topics such as use of force; stops, searches, and arrests; traffic enforcement; and tactical safety courses, among others, in order to infuse these values throughout its training curriculum.
 - At the conclusion of all fair and impartial policing trainings, all JHPD members will be required to affirm their commitment (1) to stand against intolerance, (2) to treat each member of the public in a fair, respectful, impartial, and nondiscriminatory manner, and (3) to strive to understand their own implicit biases and to keep such biases from clouding their official judgment and actions.
- B.** The Deputy Chief of Police shall disseminate pertinent court rulings, case law, or legal opinions concerning biased policing for roll call training.

VI. Annual Review (CALEA 1.2.9.c)

Annually, the Deputy Chief of Police will conduct an administrative review of JHPD directives and JHPD practices from the previous calendar year in regard to discriminatory policing and submit a written report to the Vice President for Public Safety and Chief of Police not later than March 15. Once final, the report will be made publicly available for feedback and recommendations from the community. The following information will be included in the report:

- A.** A summary of any complaints filed or concerns expressed alleging biased policing by members of the JHPD, including the findings and any corrective action taken.
- B.** A summary of custodial arrests and the disposition, including the custodial arrest of any known noncitizens.
- C.** A summary of any force used beyond compliant handcuffing by members of the JHPD.
- D.** A summary of any searches conducted by members of the JHPD.
- E.** A summary of asset seizures or forfeitures initiated by members of the JHPD.
- F.** A summary of investigative and traffic enforcement stops initiated by members of the JHPD in accordance with MD Code, Transportation, § 25-113.

- The Deputy Chief of Police will ensure that all required traffic stop data is reported to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year, and
 - To the Baltimore Police Department (BPD) in accordance with MD Code, Education, § 24-1208, and the Memorandum of Understanding between the JHPD and BPD dated December 2, 2022.
- G.** The Training Director shall disseminate pertinent court rulings or legal opinions concerning biased policing for roll call training, and,
- No later than January 30, forward to the Chief of Police a summary of such training and any recommendations for additional training or updates to policies or procedures that will strengthen the JHPD’s commitment to fair and impartial policing.

Policy Enforcement

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| Enforcement | JHPD managers and supervisors are responsible for enforcing this Directive. |
| Reporting Violations | Suspected violations of this Directive should be reported to PSAU. |

Related Resources

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| <p>University Policies and Documents</p> <p>Conduct & Responsibility #103, Rules of Conduct</p> <p>Conduct & Responsibility #109, Procedural Justice</p> <p>Conduct & Responsibility #111, Duty to Intervene</p> <p>Administrative Procedure #201, Authority, Department Organization & Command</p> <p>Personnel Procedure #350, Complaints Against Police Personnel</p> <p>Operational Procedure #409, Field Interviews, Investigative Stops & Pat-Downs</p> <p>Operational Procedure #427, Patrol Operations</p> <p>Operational Procedure #433, Body-Worn Cameras</p> <p>Operational Procedure #434, Language Access Services</p> <p>Operational Procedure #435, Communicating With Persons Who Are Hearing Impaired</p> <p>Operational Procedure #466, Hate & Bias Incident Investigations</p> <p>Operational Procedure #470, Field Reporting System</p> |
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External Documentation

[MD Code, Transportation, § 25-113](#)

[MD Code, Education, § 24-1208](#)

[Memorandum of Understanding Between the Johns Hopkins Police Department & City of Baltimore Police Department, dated December 2, 2022](#)

Police Department Forms and Systems

Contacts

| Subject Matter | Office Name | Telephone Number | Email/Web Address |
|---|-------------------|------------------|--|
| Policy Clarification and Interpretation | Policy Management | (667)306-8618 | jhpdpolicyinquiry@jh.edu |