



DUTY TO INTERVENE

Responsible Executive: Chief of Police
Responsible Office: Vice President for Public Safety
Approved by: Dr. Branville G. Bard Jr.
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Policy Statement

This Directive establishes guidelines for members of the Johns Hopkins Police Department (JHPD) to comply with state law regarding the duty to intervene, instructs members on intervention and active bystandership strategies and techniques, and outlines existing directives for intervening in and reporting misconduct. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 1.2.10)

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 set forth the legal, ethical, and affirmative duty of all members of the JHPD to intervene to prevent or stop misconduct or other problematic behaviors by any other member of the public safety team. Although this Directive describes the duty of all

members to intervene actively and when warranted, this Directive creates no new reporting requirements for members beyond their existing duty to report misconduct.

Definitions

Active Bystandership:	To not only witness a situation but take action to keep a situation from escalating or to disrupt a problematic situation.
Intervene:	To verbally or physically interact with another member to prevent or alter a result or course of events.
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.).
Misconduct:	Action, inaction, and/or failure to act by any member of the JHPD, civilian or sworn, that violates police department written directives, the Constitution of the United States, or the law, including but not limited to criminal acts, applicable civil laws, administrative rules, or regulations.
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.

Policy

The JHPD recognizes the important role that peer intervention and active bystandership play in reducing harm for both members and the community. Intervening can prevent or stop member misconduct, reduce harm to individuals, and preserve the integrity of the department. All JHPD members shall have a duty to actively intervene when warranted. The failure to intervene when appropriate shall be considered misconduct and shall be reported. See JHPD Directive #350, Complaints Against Police Personnel.

Core Principles

The JHPD is committed to creating a work environment that promotes active bystandership and accountability, encourages proactive intervention, and does not tolerate retaliation for intervention.

- I. Ethical Policing:** The JHPD is a proud proponent and participating agency of the peer intervention program Ethical Policing Is Courageous (EPIC) and is committed to joining the Active Bystandership for Law Enforcement Project. By actively preventing or stopping misconduct and/or other problematic behavior, members will assist each other in always doing the right thing and will preserve the integrity and legitimacy of the JHPD, promote a culture of accountability, and improve the JHPD's relationship with the community it serves.
- II. Community Safety & Wellness:** A member's duty to intervene is rooted in the JHPD's commitment to community service and treating the public fairly, respectfully, and with every effort to preserve human life, value, and dignity in all situations. Intervention can build community trust through accountability in problematic incidents.

III. Officer Safety & Wellness: A member's duty to intervene is rooted in the JHPD's commitment to the safety and wellness of our personnel. In addition to keeping our community safe and providing better service, intervention will also lead to fewer complaints, higher morale, and a healthier work environment. Preventing misconduct also preserves job security and the integrity of all members of the JHPD, ultimately protecting those involved from jeopardizing their careers as a result of misconduct or, in some instances, as a result of a failure to intervene to prevent misconduct by others. A more accountable and healthy police department restores community trust and aids in the shared policing goals of the community and the JHPD, which leads to a safer community.

Procedures

I. General

- A. All members of the JHPD must recognize and act upon the affirmative duty to intervene to prevent or stop any member of the JHPD or other department involved in an occurrence from conducting any act that is unethical or that runs a reasonable risk of violating law or policy, including the following:
- Excessive force, including intentionally escalating an encounter absent a lawful, necessary purpose.
 - Stops, searches, and arrests that are unconstitutional or violate JHPD directives.
 - Unlawful or unsafe restraint, including but not limited to leaving a person in custody in a prone position, unsupervised, or in a manner that causes undue risk of injury.
 - Discriminatory policing, as prohibited by JHPD Directive #106, Fair & Impartial Policing.
 - Retaliation against an individual participating in an activity protected by the First Amendment.
 - Theft, fraud, or waste.
 - Inappropriate language, including discourteous language, directed to members of the public.
 - Sexual misconduct.
 - Harassment.
 - Falsifying documents.
 - Other inappropriate behavior.
- B. All members have an affirmative duty to intervene when they see unsafe behavior and/or bad tactics, corner-cutting, and signs that a fellow member's stress and/or mental health issues are affecting their performance.

- C. Interventions may be verbal and/or physical depending on the urgency of the situation and the potential level of misconduct and/or problematic behavior.
- D. If apparent signs of substance abuse, stress, and/or mental health issues are affecting a colleague's performance, members may intervene by:
 - Connecting their colleague to the Johns Hopkins University Onsite Clinical Care Team by calling 888-978-1262,
 - Referring the colleague to the [Johns Hopkins Employee Assistance Program](#) (additional information is available on the Johns Hopkins Benefits Intranet Site), and/or
 - Reporting the concerns to a supervisor.
- E. Instances of a successful member intervention may be referred to the Chief of Police for formal recognition in conformance with JHPD Directive #312, Awards.

II. Antiretaliation

- A. The JHPD will not tolerate retaliation against any member who attempts to intervene or successfully intervenes as described above.
- B. No member shall punish, target, or otherwise ostracize another member for attempting to intervene or successfully intervening.
- C. Members shall report any retaliatory behavior they observe or of which they become aware as soon as possible in conformance with JHPD Directive #350, Complaints Against Police Personnel.
- D. All reported incidents of retaliation related to the duties articulated in this Directive shall be investigated in conformance with JHPD Directive #350, Complaints Against Police Personnel.

III. Required Action

When misconduct occurs, members shall report it in conformance with JHPD Directive #350, Complaints Against Police Personnel. When misconduct is prevented, there is no reporting requirement (because there is no misconduct to report); however, members—with the consent of the intervened upon—may report a successful intervention.

- A. **Members shall do the following:**
 - Take a preventive approach, whenever possible, if they observe behavior that suggests that another member is about to engage in unethical or inappropriate behavior. Examine the circumstances surrounding the incident to determine the appropriate form of intervention.
 - Intervene verbally or physically, depending on the circumstances.

- Take an active approach to intervene to stop any unethical behavior or misconduct when such conduct is being committed by another member.
- If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved when it is safe and feasible while preserving officer safety (e.g., maintaining tactical advantage over a suspect).
- If the other member is receptive to the intervention, and unethical conduct is avoided, members may proceed with their duties. If no misconduct occurs, there is no reporting requirement.
- If the other member is not receptive to the intervention and misconduct occurs, members shall immediately contact a supervisor to respond to the scene and ensure that their body-worn camera is activated.

B. Supervisors shall do the following:

- If appropriate, consider making a recommendation to the Chief of Police that the member who intervened receive an award for their actions.
- If misconduct occurs, supervisors shall report it as soon as practical in conformance with JHPD Directive #350, Complaints Against Police Personnel.

C. Commanders, Deputy Chiefs, and the Chief of Police shall do the following:

- Consider attempts to intervene or the reception of intervention as mitigating factors in disciplinary decisions resulting from misconduct investigations as appropriate.
- Ensure any act of retaliation against a member related to an intervention effort is referred to the Public Safety Accountability Unit (PSAU) for investigation.
- Create and maintain a work environment that ensures a culture of active bystandership and in which intervention is pursued when appropriate.

D. Training

- The Public Safety Training Section shall provide introductory and ongoing training to all members on EPIC and the specific requirements of this Directive and keep records of all trainings provided.

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 PSAU.

Related Resources

University Policies and Documents
Conduct & Responsibility #106, Fair & Impartial Policing Personnel Procedure #350, Complaints Against Police Personnel Personnel Procedure #312, Awards
External Documentation
Active Bystandership for Law Enforcement (ABLE) Project Ethical Policing Is Courageous (EPIC), https://epic.nola.gov/home/
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