



**POLICE DEPARTMENT**  
**PERFORMANCE**  
**REVIEW BOARD**

**OPERATIONAL**  
**PROCEDURE #408**

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 the Johns Hopkins Police Department (JHPD) Performance Review Board (PRB), which is a process for the JHPD to conduct a comprehensive review of all significant events involving its members and the public, including all use of force incidents, regardless of level, to identify lessons learned, exemplary or deficient performance of members, and gaps in policies, procedures, training, or equipment. By critically assessing each significant event, the JHPD can reduce the risk that a less than optimal outcome will occur in the future and reduce the likelihood of harm to its members and the community they serve. The PRB is focused on improving the quality of the JHPD’s services, rather than serving as a disciplinary process of the kind addressed in other JHPD directives.

## 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 primary purpose of the PRB is to critically examine every significant event, especially incidents that involve use of force, to develop a clear understanding of why an outcome occurred and ensure that any exemplary behavior or heroic conduct, as well as errors in judgment, by JHPD members are identified, as well as to ensure that gaps in training, policies, or equipment

that may have contributed to an event are identified and corrected so that mistakes are not repeated. This review process shall be in addition to any other review or investigation that may be conducted by any outside or multiagency entity having jurisdiction over the investigation or the evaluation of the use of force. In addition, the PRB shall review all audits or reports required by law or policy and make recommendations to resolve any issues identified therein.

## Core Principles

A reverence and respect for the dignity of all persons and the sanctity of human life shall guide all JHPD training, leadership, and directives and procedures; whenever possible, de-escalation techniques shall be employed to gain voluntary compliance by a subject. This Directive is guided by the following core principles:

- I. **Sanctity of Human Life:** Members shall make every effort to preserve human life in all situations.
- II. **Value of All Persons:** All human beings have equal value and worth, and members of the JHPD shall respect and uphold the value and dignity of all persons at all times.
- III. **Accountability:** All members shall be held accountable for actions that violate law or policy.

## Procedures

### I. **General**

- A. The PRB shall review the following incidents:
  - All use of force incidents
  - All pursuits
  - All responses to acts of expression protected by the First Amendment
  - All responses to active assailants
  - All incidents in which bias-based policing has been alleged
  - Any other incident that the Chief of Police or Executive Director of the Public Safety Accountability Unit (PSAU) requests to be reviewed.
- B. The PRB shall serve as an advisory body to the Chief of Police that conducts timely, comprehensive, and reliable evaluations of incidents.
- C. The PRB will not make recommendations concerning discipline; however, the chairperson must refer any potential misconduct for disciplinary investigation if it is determined in the course of any review.

- D.** The chairperson shall state whether a referral is occurring prior to the conclusion of the meeting after providing an opportunity for input from PRB members.
- E.** If the chairperson decides not to refer potential misconduct to PSAU but another member of the PRB believes potential misconduct occurred, that PRB member shall refer the potential misconduct to PSAU.
- F.** The PRB shall, within 14 days of the review, provide a memorandum of recommendations to the Chief of Police that includes:
- A synopsis of the observations of the PRB's members as to the circumstances of the reviewable incident,
  - An identification of the areas of needed improvement in the performance of the involved members, including the performance of their supervisors during the incident, and the JHPD as a whole,
  - An identification of the areas of exemplary performance of the involved JHPD members, and any steps the PRB intends to take to recognize those JHPD members, formally or informally (see JHPD Directive #312, Awards),
  - An identification of any deficiencies in JHPD policies, training supervision, or incident management, and
  - Recommendations for improvements to JHPD policies, training, supervision, tactics, and equipment identified during the review.
- G.** The PRB shall ensure timely consideration and, as appropriate, implementation of its recommendations. Each PRB meeting shall begin with a brief status update from PRB members to whom consideration and/or implementation of recommendations was assigned at a previous PRB.
- H.** Where additional investigation is necessary to reach administrative findings, the PRB will refer the incident to PSAU.

## **II. Voting Members of the PRB**

- A.** The PRB will consist of the following Johns Hopkins and JHPD members:
- Deputy Chief
  - One JHPD Captain
  - Executive Director, PSAU
  - Director, Johns Hopkins Public Safety Training Section
  - Vice President and General Counsel (or designee)
  - Chief Risk Officer (or designee)
  - Chief Audit Officer (or designee)

- Additional members may be added at any time by the President of Johns Hopkins University or the Vice President for Public Safety, if an odd number is maintained.
- B.** The chairperson shall be the Deputy Chief of Police or their designee.
- The chairperson shall track the outcome of all recommendations, including the reasons for any rejections, and ensure the appropriate resolution of all approved recommendations.
  - The chairperson shall ensure that the PRB's findings and recommendations are brought to the attention of the Chief of Police for appropriate action.
  - The chairperson shall require a status report on outstanding recommendations at the beginning of PRB meetings.

### **III. Presentation**

- A.** The PRB shall receive a case presentation and all investigative reports from the PSAU lead investigator within 30 days of the reviewable incident or, if required, 30 days from the conclusion of the investigation by the Maryland Attorney General's Independent Investigation Division or 30 days from the conclusion of the investigation of the reviewable incident required by other JHPD directives, or as soon as possible thereafter.
- B.** The presentation's intent shall be to objectively demonstrate, in chronological order, the totality of the circumstances leading up to, during, and after the incident.
- C.** The presentation shall include all relevant evidence, including but not limited to:
- Photographs,
  - Videos, including body-worn camera recordings,
  - Audio recordings,
  - Applicable policies and training,
  - Diagrams, and
  - Other evidence developed during the investigation of the incident under review.
- D.** The presentation shall not include the criminal history or previous law enforcement encounters of any involved person, **unless** such context is specifically relevant to the case.
- E.** The members of the PRB retain the authority to request additional information from investigators to aid their recommendations.

- F. If an external investigation is performed, the Chief of Police or their designee will provide the outside investigative agency's investigative report, letter from the Office of the State's Attorney for Baltimore City, and any other material deemed relevant to the PRB. The PRB may also request a presentation from any external agency that performed an external investigation or analysis of the reviewable incident.

#### **IV. Incident Review**

- A. The PRB shall ask questions of the PSAU investigator regarding the reviewable incident to establish a comprehensive understanding of the available facts and circumstances of the reviewable incident.
- B. The PRB shall discuss and evaluate the reviewable incident critically to identify opportunities for organizational and individual improvement, as well as to determine whether the actions were potentially inconsistent with policy or training. This review shall specifically address the following:
- **Initiation of Event and Initial Contact:** Whether the initiation of the event, including 911 call intake, handling by dispatch, and the initial and continuing police contact by the involved JHPD members, was conducted in a manner that was consistent with the JHPD's policy, mission, vision, and values.
  - **Consistency With Policy and Training:** Whether the JHPD members' actions were consistent with applicable directives, procedures, and training of the JHPD.
  - **Strategy:** Whether the JHPD members involved in the event or incident used the most appropriate and least intrusive measures to resolve the situation.
  - **Tactics:** Whether alternative tactical decisions could have allowed the JHPD members to resolve the incident in a less intrusive and more appropriate manner.
  - **Post-Incident Response:** Whether issues with rendering of aid or on-scene supervision, among other potential issues, occurred.
  - **Supervisor Investigations:** Where applicable, whether each supervisor within a JHPD member's chain of command completed a thorough, accurate, and timely review, including corrective action, recommendations, referrals to wellness services, or referrals for disciplinary consideration.
  - **Investigation:** Whether the investigation of the incident was thorough and consistent with policy or whether there are additional steps that need to be taken to identify the totality of the circumstances.
  - **JHPD Interaction and Collaboration With Other Johns Hopkins Public Safety Entities, Johns Hopkins Non-Public**

**Safety Entities, or Third-Party Entities:** Whether the JHPD used or interacted with other resources and how effective that utilization was.

- **Recommendations:** Whether any improvements are needed for JHPD directives, training, tactics, supervision, organizational structure, equipment, or investigations. All recommendations must articulate a specific follow-up action. Recommendations may require further consideration of a given topic by an entity or personnel outside the PRB to determine the appropriate course of action.
- C. The PRB shall prepare a comprehensive report, including recommendations, for the Chief of Police to use to determine appropriate improvements.
- D. The members of the PRB shall vote on whether to forward its list of recommendations to the Chief of Police.
- E. If the PRB does not come to a unanimous agreement, any PRB member who does not join the majority decision shall prepare a separate report stating their position and recommendations. This report must be completed and attached to the PRB report to the Chief of Police detailed below.

## **V. Submission & Implementation of Recommendations**

- A. Within 14 days of the PRB presentation, unless the PRB chairperson grants an extension, the PRB chairperson shall submit to the Chief of Police the comprehensive report outlining the findings and recommendations of the PRB.
- B. The PRB report shall include the following, as applicable:
- A description of the incident, including a summary and analysis of all relevant evidence, proposed findings and recommendations, explanation and analysis to support those findings and recommendations, or evaluation of changes already made by the Chief of Police, including how recommendations or changes align with public safety best practice, including:
    - **Directive Update:** Recommendations from the PRB to change, modify, add, or delete directives or procedures for the JHPD to improve the response to similar situations in the future.
    - **Training and Tactical Improvement:** Observations of the tactics employed during the incident may provide an opportunity to improve JHPD training. PRB members should also recommend specific supplemental or remedial training for the members involved in the incident under review, and for the JHPD as a whole, as appropriate.

- **Equipment/Technology:** Recommendations from the PRB on any equipment, including technology, that may have improved the outcome of the incident under review and should be evaluated for future use.
- **Organizational:** Any issues observed relating to the structure and function of JHPD supervision, command, and control.
- **Other Critical Analysis:** Any other issues observed that could improve the future performance of the JHPD members involved, other JHPD members, or the JHPD as a whole. This includes tactical decisions and other circumstances or considerations leading up to the incident. It also includes an assessment of actions, decisions, tactics, or planning by other entities that participated in the incident or event subject to review.
- **Investigation:** Recommendations from the PRB regarding necessary actions the PSAU investigator must take to conduct a comprehensive investigation.
- **Referral for Potential Misconduct:**

The chairperson shall not make recommendations concerning discipline but shall refer the matter to PSAU if potential misconduct is discovered in the review process.

  - If the investigation is complete and any PRB member notes that the PSAU investigator failed to report police misconduct, they shall report the investigator to PSAU for failing to report the misconduct.
  - PSAU shall update the PRB as to the status of any misconduct referral within 10 days of the administrative charging decision.
- In addition, the members of the PRB may request that a training specialist conduct a performance review of an identified area of concern.

- C. The Chief of Police shall decide whether to adopt the PRB's recommendations and, if not implementing a recommendation, shall explain in a written response to the PRB within 30 days of receipt of the PRB report.
- D. All reports from the PRB shall be retained by the Chief of Police. Reports of corrective action, including witness statements, material exhibits, and board deliberations, are confidential and will be maintained by the Chief of Police in a secure area. Authorization for access to these reports can only be granted by the Chief of Police or Office of the Vice President and General Counsel.

- E. The Chief of Police will provide a deidentified summary of all PRB reviews on a quarterly basis to the Johns Hopkins Accountability Board.

## VI. **Training for Members of the PRB**

PRB members shall receive initial and ongoing training that may include training regarding JHPD directives, training curriculum, and legal updates regarding the use of force, acts of expression protected by the First Amendment, active assailant response, fair and impartial policing, and other topics, as needed.

## Policy Enforcement

<b>Enforcement</b>	PSAU is responsible for investigating suspected violations of this Directive and may recommend disciplinary action, up to and including termination or dismissal, in accordance with any applicable university policy or process.
<b>Reporting Violations</b>	Suspected violations of this Directive should be reported to PSAU or using <a href="#">the online form</a> .

## Related Resources

<b>University Policies and Documents</b>
Personnel Procedure #312, Awards
<b>External Documentation</b>
<b>University Forms and Systems</b>

## Contacts

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation	Policy Management	(667)306-8618	<a href="mailto:jhpdpolicyinquiry@jh.edu">jhpdpolicyinquiry@jh.edu</a>