



POLICE DEPARTMENT

**ARRESTS &
ALTERNATIVES TO
ARREST**

**OPERATIONAL
PROCEDURE #424**

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

It is the policy of the Johns Hopkins Police Department (JHPD) to apply critical thinking and evaluation to each and every law enforcement effort and to apply the most effective and least intrusive response appropriate under the circumstances, as reasonably understood by the officer at the time, consistent with the goal of advancing public safety and reducing harm to the community.

Who Is Governed by This Policy

All sworn police officers, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD are governed by this Directive.

Purpose

This Directive establishes guidelines for JHPD officers regarding the enforcement of criminal

and civil offenses that Maryland law provides them with the authority to enforce. It provides a progressive process to follow when issuing warnings, civil citations, or criminal citations or arresting persons without a warrant, to ensure that criminal and civil citations are only issued and arrests are only made when it is the least intrusive and most appropriate response to the civil or criminal violation. The principles underlying this Directive, and the guidelines contained within, apply to all warrantless arrests, regardless of the age or status of the suspect. Arrests of youth are subject to the same requirements; however, for citations issued for youth, see JHPD Directive #426, Interactions With Youth. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 1.2.5, 1.2.6, 1.2.7)

Definitions

<p>Acceptable Identification (Acceptable ID):</p>	<p>Acceptable ID shall be considered one of the following:</p> <ul style="list-style-type: none"> • An identification presented by the person that the officer reasonably believes to be satisfactory evidence of their identity, • An identification of the person that is confirmed through other reliable means (e.g., FAST ID or a Motor Vehicle Administration, National Crime Information Center, or Criminal Justice Information System query), or • The Johns Hopkins University (JHU) J-Card or other ID card issued by JHU or the John Hopkins Health System. <p>Some examples of acceptable ID generally include a driver’s license, a state-issued ID card, a passport, ID from a government or nongovernment entity (see JHPD Directive #414, Noncitizen Interactions), a military ID card, or a JHU J-Card or Johns Hopkins Health System ID card. An officer’s prior knowledge of the person’s identity alone, without supporting documentation, is not considered to be acceptable ID.</p>
<p>Arrest:</p>	<p>The taking, seizing, or detaining of a person by any act that indicates an intention to take the person into custody by a JHPD officer, and that subjects the person to the actual control and will of the officer making the arrest. An arrest is effected:</p> <ol style="list-style-type: none"> (1) When the arrestee is physically restrained, or (2) When the arrestee is told of the arrest and submits. <p>An arrest requires probable cause that a crime was committed or is being committed.</p>
<p>Boilerplate Language:</p>	<p>Words or phrases that are standardized, “canned,” or patterned and that do not describe a specific event, situation, or set of circumstances (e.g., “furtive movement” or “fighting stance”).</p>
<p>Cannabis:</p>	<p>Pursuant to MD Code, Criminal Law, § 5-101, the plant <i>Cannabis sativa</i> L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry-weight basis. Cannabis does not include</p>

hemp as defined in MD Code, Agriculture, § 14-101.

Cannabis (Amounts): The following are cannabis amounts designated by MD Code, Criminal Law, § 5-101 (in order from least to greatest):

Personal Use Amount of Cannabis

- 1.5 ounces or less of usable cannabis
- 12 grams or less of concentrated cannabis
- 750 mg or less of cannabis products containing delta-9-tetrahydrocannabinol
- One or two cannabis plants

NOTE: This amount of cannabis **is legal** for any person age 21 or older.

Civil Use Amount of Cannabis

- More than 1.5 ounces up to 2.5 ounces of usable cannabis
- More than 12 grams up to 20 grams of concentrated cannabis
- More than 750 mg up to 1,250 mg of cannabis products containing delta-9-tetrahydrocannabinol

Criminal Amount of Cannabis

- More than 2.5 ounces of usable cannabis
 - More than 20 grams of concentrated cannabis
 - More than 1,250 mg of cannabis products containing delta-9-tetrahydrocannabinol
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Civil Citation: Official documentation stating that a person has committed a civil infraction and has been made aware of the infraction by law enforcement.

Civil Citation-Eligible Offense: A civil violation enumerated in the Baltimore City Code, Article 1, § 41-14, and the Code of Maryland. Civil violations are not criminal offenses, and the penalty for civil violations, including possession of cannabis, is typically a fine of \$1,000 or less. In addition, violations of MD Code, Criminal Law, §§ 10-113–10-115, 10-118, alcoholic beverage violations and violations relating to misrepresentation of age, underage possesses, and false documentation are civil violations, pursuant to MD Code, Criminal Law, § 10-119.

Criminal Citation: A written charging document issued to a person alleging they have committed a violation of certain misdemeanor statutes or local ordinances in accordance with MD Code, Criminal Procedure, § 4-101.

Criminal Citation-Eligible Offense: In accordance with MD Code, Criminal Procedure, § 4-101, officers shall issue a citation in lieu of arrest for any misdemeanor or local ordinance offense not involving serious injury or an immediate health risk where the penalty is 90 days or less, and may issue a citation in lieu of arrest for the following criminal offenses:

- Sale of an alcoholic beverage to an underage drinker or intoxicated person, (MD Code, Alcoholic Beverages, §§ 6-304, 6-307, 6-308, or 6-309)
 - Malicious destruction of property (MD Code, Criminal Law,
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§ 6-301), if the amount of damage to the property is less than \$500,

- Misdemeanor theft, (MD Code, Criminal Law, § 7-104(g)(2))
- Possession of a controlled dangerous substance (CDS) other than cannabis, (MD Code, Criminal Law, § 5-601)
- Possession with intent to distribute cannabis (MD Code, Criminal Law, § 5-602(b)(1)), or
- Growing or manufacturing cannabis or a cannabis product. (MD Code, Public Safety, § 5-603(b))

However, an officer may charge a person by citation only if:

- The officer is satisfied with the defendant's evidence of identity,
- The officer reasonably believes that the defendant will comply with the citation,
- The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety, or
- The defendant is not subject to arrest for an alleged misdemeanor involving serious injury or immediate health risk or an alleged felony arising out of the same incident or based on an outstanding arrest warrant and the defendant complies with all lawful orders by the officer.

A police officer who has grounds to make a warrantless arrest for an offense that may be charged by citation may issue a citation in lieu of making the arrest or make the arrest and subsequently issue a citation in lieu of continued custody.

**Criminal Citation–
Excluded Offense:**

The following are offenses that may carry a penalty of imprisonment of 90 days or less but cannot be charged with a criminal citation and instead must be enforced via arrest warrant, criminal summons, or warrantless arrest:

- Failure to comply with a peace order (MD Code, Courts & Judicial Proceedings, § 3-1508) (see JHPD Directive #421, Court Orders for Protection),
 - Failure to comply with a protective order (MD Code, Family Law, § 4-509) (see JHPD Directive #421, Court Orders for Protection),
 - Violation of a condition of pretrial or post-trial release, (MD Code, Criminal Procedure, § 5-213.1)
 - Possession of an electronic control device (conducted energy weapon) after conviction of a drug felony or crime of violence, (MD Code, Criminal Law, § 4-109(b))
 - Violation of an out-of-state domestic violence order, (MD Code, Family Law, § 4-508.1)
 - Abuse or neglect of an animal (MD Code, Criminal Law, § 10-604), or
 - Any charge that is domestic violence related (see JHPD
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Directive #420, Domestic Violence, Stalking & Harassment).

Enforcement Measure:	A written warning, referral to the university's disciplinary processes, or civil or criminal citation issued by a JHPD officer to an individual, or a physical warrant arrest by a JHPD officer, based on probable cause to believe that that individual has committed a civil or criminal violation that the JHPD officer has legal authority to enforce.
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.
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 reasonable articulable suspicion (RAS).
Reasonable Articulable 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, that a person has committed, is committing, or is about to commit a crime or, (2) for purposes of a pat-down, that 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.
Statement of Probable Cause (SPC):	A clearly written statement made after a warrantless arrest in support of an Application for Statement of Charges that articulates the basis for the officer's belief that a particular person has committed a crime.

Core Principles

- I. Proper Application of Probable Cause Standard:** Officers must have sufficient probable cause prior to engaging in any enforcement measure.

- II. Constitutional Enforcement:** Officers may only enforce lesser offenses, whether by issuing a warning, issuing a citation, or making a custodial arrest, where consistent with Fourth Amendment requirements—i.e., when they have probable cause to believe that a person has committed or is committing a criminal infraction or citable offense. In addition, such enforcement must also be consistent with other constitutional requirements, such as avoiding selective enforcement arising out of discriminatory bias (14th Amendment) or in retaliation for protected speech. (See JHPD Directive #106, Fair & Impartial Policing, and JHPD Directive #486, Assemblies, Demonstrations & Disruption of Campus Activities.)
- III. Nondiscriminatory Policing:** Officers are prohibited from relying, to any extent or degree, on a person’s race, ethnicity, national origin, religion, gender, sexual orientation, age, disability, gender identity or expression, or affiliation with any similar identifiable group as a factor in conducting a field interview, investigative stop, vehicle stop, weapons pat-down, search, or arrest, except when physically observable as part of an actual and credible description of a specific suspect or suspects in any criminal investigation that includes other appropriate nondemographic identifying factors (such as clothing or associated vehicle). (See JHPD Directive #106, Fair & Impartial Policing.)
- IV. Most Effective & Least Intrusive Response:** A fair and effective response to a violation of the law balances public safety and order in the community against the serious impact of law enforcement action (e.g., loss of liberty; humiliation and stress; loss of income, employment, or housing) on the individual believed to have committed the violation. Where effective in resolving the violation in accordance with law and policy, problem solving such as a written warning is generally preferable to a citation, and a citation is generally preferable to an arrest. As arrest is a last resort, officers should refrain from making an arrest unless doing so reasonably advances the goal of public safety or addresses significant or chronic community disorder, and the situation cannot be resolved in a less intrusive manner that is authorized by law and policy.
- V. Community Partnerships:** The JHPD continuously works with stakeholders to fully understand issues facing the city’s diverse communities, and to codevelop strategies in order to address those issues. In addition to the advancement of public safety goals, the enforcement of lesser offenses must also align with the interests and priorities of the communities that the JHPD serves.
- VI. Limited Circumstances:** Except in limited circumstances, officers may not make a warrantless arrest for a misdemeanor not committed in their presence.

Procedures

I. General Enforcement Guidance

The JPHD applies a differentiated least intrusive and most appropriate enforcement response to criminal and civil offenses.

- A. To initiate any enforcement measure, an officer must have probable cause to believe that the person has committed a civil or criminal offense.
- B. The authority to arrest and thereby deprive a person of liberty is one of the most serious and sensitive duties of an officer, requiring objective judgment consistent with our mission, policies, and values. Enforcement decisions and differentiated responses to civil and criminal offenses must employ the most effective and least intrusive means to resolve the incident or offense, and officers' decisions must balance public safety, individual rights, and community needs. Officers should take into consideration:
- The best interest of the Johns Hopkins community,
 - The best interest of the individuals,
 - The desires of the victim, and
 - The guidance below regarding the most effective and least intrusive means.
- C. Enforcement measures available to officers include the following progression:
- **Written Warnings:** Officers may utilize written warnings in lieu of citation and arrest when it is the most appropriate and least intrusive enforcement measure.
 - **Referrals & Use of University Disciplinary Processes:** The use of university disciplinary processes may be the most appropriate and least intrusive enforcement measure for students, staff, or faculty, in lieu of or in addition to criminal or civil charging.
 - **Trespass Warning:** For people who are not students, staff, or faculty of the university, the most appropriate and least intrusive enforcement measure may be to provide notice, in lieu of or in addition to criminal or civil charges, that the university is private property and they are ordered to leave the property immediately, and that if they remain on or return to university property, they will be considered a trespasser and will be subject to arrest under MD Code, Criminal Law, § 6-403.
 - **Citations:** Officers shall issue civil or criminal citations where a citation is the most effective and least intrusive means of enforcement and where prior warnings, referrals, or campus bans have proved ineffective.
 - **Physical Warrantless Arrest:** Officers will arrest when required by law and where it is the most effective and least intrusive enforcement measure.

- D.** When any enforcement measure is issued to a Johns Hopkins affiliate by an officer, a supervisor and the appropriate entity (Student Affairs, Provost Office, or Human Resources) shall be notified and provided with a copy of any warnings and Incident Reports.
- E.** When any enforcement measure is issued to a person who is not a student, staff member, or faculty member of Johns Hopkins, notice should be provided to Johns Hopkins Public Safety (JHPS) in order to determine whether a trespass warning should be issued for the person.
- F.** Pursuant to its Student Amnesty for Alcohol and Drug Emergencies policy, JHU will not impose disciplinary action of record for a violation of student alcohol or drug possession or consumption against individual students or Recognized Student Groups/Organizations when they report to or seek assistance from on-duty medical staff or law enforcement for a medical emergency or condition. The procedure for initiating the amnesty protocol can be found on the JHU website:
<https://studentaffairs.jhu.edu/policies-guidelines/amnesty/>.
- G.** Officers will abide by Maryland's Good Samaritan Law. The Good Samaritan Law applies to any person who seeks, provides, or assists with the provision of medical assistance as the result of a person ingesting or using alcohol or drugs. The law protects persons from criminal arrest, charge, or prosecution for the six misdemeanors listed below where the evidence was obtained solely because of the act of seeking medical assistance:
- MD Code, Criminal Law, § 5-601: Possessing or Administering Controlled Dangerous Substances
 - MD Code, Criminal Law, § 5-619: Drug Paraphernalia
 - MD Code, Criminal Law, § 5-620: Controlled Paraphernalia
 - MD Code, Criminal Law, § 10-114: Underage Possession of Alcohol
 - MD Code, Criminal Law, § 10-116: Obtaining Alcohol for Underage Consumption
 - MD Code, Criminal Law, § 10-117: Furnishing for or allowing underage consumption of alcohol
 - NOTE: The Good Samaritan Law does not apply to drug felonies or other crimes not listed above. Additionally, it does not prevent law enforcement from conducting an investigation and gathering evidence.
- H.** The JHPD will deprioritize arrests for low-level offenses and will work with community and institutional partners on the development of diversion

resources and protocols that direct individuals to supportive services and case management.

- I. Officers will follow JHPD Directive #426, Interactions With Youth, for all enforcement measures related to youth.
- J. Being subject to citation, arrest, or criminal process is a traumatic event that often destabilizes an individual's life. All officers, to the extent feasible, shall provide all individuals they personally serve with criminal process with community-based behavioral health provider information.

II. Prohibited Actions

- A. Officers are prohibited from conducting investigative stops when they lack reasonable suspicion, based on specific and articulable facts, that a person has committed or is committing a civil or criminal violation.
 - When making an investigative stop, officers must inform the person stopped that they are not free to leave.
 - Follow all protocols for investigative stops as outlined in JHPD Directive #409, Field Interviews, Investigative Stops & Pat-Downs.
- B. All officers are prohibited from relying on information known at the time to be materially false or incorrect in taking any enforcement action.
- C. All officers are prohibited from taking any enforcement action in retaliation for protected speech (see JHPD Directive #486, Assemblies, Demonstrations & Disruption of Campus Activities).
- D. All officers are prohibited from considering the demographic category of the person in question to any extent or degree when taking, or refraining from taking, any law enforcement action, except when such information is part of an actual or credible description of a specific suspect in an ongoing investigation that also includes other appropriate nondemographic identifying factors. (CALEA 1.2.9.a)
- E. All officers are prohibited from relying on the mere possession or presence of condoms as a basis or component of a reasonable suspicion or probable cause determination for a prostitution or sex-related offense.
- F. All officers are prohibited from providing preferential treatment to an individual based on their affiliation or nonaffiliation with Johns Hopkins.
- G. The use of arrest or enforcement measure quotas is strictly prohibited.

III. Special Considerations

- A. Only custodial arrest carries with it the automatic authority to conduct a search of the person, garments, and belongings of the person being arrested, as well as the area in their immediate control. Officers shall not escalate an interaction from a citation to an arrest for the purpose of conducting a search without probable cause of an additional, arrestable offense.
- B. When a warning or civil or criminal citation (in lieu of arrest) is the appropriate enforcement measure in accordance with this Directive and is issued to a person and the person is allowed to depart the location after receiving the citation or warning, there is no corresponding authority to conduct any type of search incident to arrest or nonconsensual search.

IV. Specific Enforcement Guidance for JHPD Officers

A. Warnings

- Written warnings are generally the most appropriate and least intrusive enforcement measure to address the commission of a Criminal Citation-Eligible or Civil Citation-Eligible Offense on campus, unless an escalated enforcement measure is approved by a supervisor.
- In addition, a written warning may be the most appropriate and least intrusive enforcement measure to address the commission of a nonviolent criminal offense that is not citation eligible, such as possession of a CDS (not marijuana), theft under \$100, or other minor property crime where the university is the victim, when approved by a supervisor.

B. Referrals & Use of Institutional Disciplinary Processes & Trespass Warnings

- In addition to the issuance of written warnings, officers may refer matters to Johns Hopkins institutional disciplinary or conduct processes for affiliates or seek a trespass warning for nonaffiliates, in lieu of civil or criminal charging, when probable cause exists to believe that the person has committed a Criminal Citation-Eligible Offense or a Civil Citation-Eligible Offense.
- For all non-citation eligible criminal offenses (including possession of CDS (not marijuana), theft under \$100, or other property crime where the university is the victim), in addition to any warning, citation, or warrantless arrest, officers shall follow the below guidance:
 - For Johns Hopkins affiliates, officers shall make an immediate referral to the appropriate institutional or other relevant disciplinary processes or administrative entity for

disciplinary or conduct processing (Student Affairs, Provost Office, or Human Resources), or

- For those who are not Johns Hopkins affiliates, an officer shall issue an immediate trespass warning, with approval by a supervisor.
- If disciplinary or conduct referrals or trespass notices and written warnings are the only enforcement measures being pursued, officers will complete an Incident Report and note in the narrative that civil and criminal enforcement is not being pursued at this time and that the referral was made. The JHPD will coordinate with these administrative units and provide Incident Reports and issued warnings.

C. Civil Citations

- Officers may issue a civil citation only where they have probable cause to believe a person has committed or is committing a Civil Citation-Eligible Offense and when it is the most effective and least intrusive enforcement measure that would best serve the vision, mission, and guiding principles of the JHPD and it is approved by a supervisor.
- NOTE: Underage possession of alcohol or cannabis and related violations are only civil in nature and not criminal under Maryland law. Generally, officers shall not issue civil citations for simple possession or consumption of alcohol or cannabis by a person under the age of 21.
 - Such matters should be handled in accordance with JHU's Drug, Alcohol, and Firearms Policies for Students, available at <https://studentaffairs.jhu.edu/policies-guidelines/university-student-policies/> and <https://studentaffairs.jhu.edu/policies-guidelines/amnesty/>. Any civil citation for possession or consumption of alcohol or cannabis by a person under the age of 21 requires approval from the Chief of Police or their designee.
 - This guidance does not apply to distribution of alcohol or cannabis or serving of alcohol by or to a person who is under the age of 21.
- A civil offense, where there is no crime involved, does not allow custodial arrest. Only a custodial arrest carries with it the automatic authority to conduct a search of the person, garments, and belongings of the person being arrested. Therefore, if an officer intends to issue a civil citation to a person, there is no corresponding authority to conduct any type of search incident to arrest or nonconsensual search.

- When issuing a civil citation, the officer shall:
 - Ensure the offense is civil citation eligible.
 - Verify, to the extent possible, that the person is at least 18 years of age. If the person is under 18, officers shall follow JHPD Directive #426, Interactions With Youth, for guidance related to youth citation and enforcement measures.
 - Attempt to verify the person’s identity via some form of acceptable ID or through additional investigation or computer checks. If the person’s acceptable ID includes a unique identification number (such as a Soundex number, State Identification (SID) number, etc.), it **must** be included on the citation and in the accompanying Field Interview Report or, if applicable, in any Incident Report that will be completed.
 - Encourage the person to sign the citation. If the person fails to sign, the officer shall indicate on the citation that the person did not sign next to the “Defendant’s Signature” line.
 - Provide the person with a copy of the citation.
- Officers shall include within the civil citation:
 - The name and address of the person charged, if known,
 - The violation for which the person is charged, including a narrative statement of cause for issuing the citation,
 - The time when and place where the violation occurred,
 - The amount of the fine, and
 - The manner and time within which the person must either pay the fine specified in the violation or request a trial on the violation.
- Officers shall sign the civil citation to certify that the facts contained in the citation are true to the best of the officer’s information, knowledge, and belief.
- Officers may issue multiple citations, but only one offense may be charged per citation. Multiple citations shall be “looped” in the same fashion as when multiple traffic citations are issued to the same motorist.
- Officers shall submit all citations and related reports to their supervisor before the end of their shift.
- Officers must document the issuance of civil citations in an Incident Report.

- For civil citations that are issued as a result of an investigative stop, officers shall also complete an Incident Report detailing the basis for the stop, describing the person stopped in specific and individualized language, and explaining the circumstances of the stop in accordance with JHPD Directive #409, Field Interviews, Investigative Stops & Pat-Downs.
- Officers shall attach images of the citations to the report in the JHPD's Records Management System (RMS), ensuring that the writing is legible.
- Officers shall ensure appropriate notifications and referrals are made when necessary (i.e., Student Affairs, Provost Office, Human Resources, or JHPS).

D. Supervisor's Responsibilities

- Supervisors shall monitor the enforcement decisions made by officers under their supervision investigating Civil Citation-Eligible Offenses.
- Supervisors shall review every civil citation issued by an officer under their supervision to ensure that:
 - There is a concise narrative of the facts that led to the issuance of a civil citation on the front of the "City/Court Copy."
 - Every civil citation issued by an officer under their supervision has been documented in a Field Interview Report or, if applicable, an Incident Report and a legible image of the citation has been attached.
 - Every civil citation issued by an officer under their supervision has been reviewed. This should be indicated by adding the supervisor's rank, name, and sequence number to the top right portion of the "City/Court Copy."
 - The person was identified to the satisfaction of the officer issuing the citation through some form of acceptable ID or the officer was able to obtain the subject's identity through additional investigation or computer checks.
 - If the acceptable ID contained a unique identifying number, that number has been recorded in the appropriate locations of the citation.
 - The civil citation represented the most effective and least intrusive response appropriate under the circumstances and consistent with the public safety goals of the department and community.

- Supervisors shall complete a review of all documentation related to investigative stops and searches for completeness and adherence to JHPD Directive #409, Field Interviews, Investigative Stops & Pat-Downs, within 72 hours of their next shift, unless review finds deficiencies and additional investigation or remedial action is required.
- Supervisors shall deposit all reviewed and approved civil citations in the appropriate collection box.
- Supervisors shall ensure appropriate notifications and referrals to the appropriate university entity (Student Affairs, Provost Office, Human Resources, or JHPS) have been made.

E. Criminal Citation

- Officers may issue criminal citations where they have probable cause to believe a person has committed or is committing a Criminal Citation-Eligible Offense and a criminal citation is the most effective and least intrusive means of enforcement and is approved by a supervisor.
 - NOTE: Generally, officers shall not issue criminal citations or arrest for possession or consumption of small amounts of CDSs. Such matters should be handled in accordance with JHU's Drug, Alcohol, and Firearms Policies for Students, available at <https://studentaffairs.jhu.edu/policies-guidelines/university-student-policies/> and <https://studentaffairs.jhu.edu/policies-guidelines/amnesty/>. Any such citations or arrests require approval from an on-duty supervisor.
 - This guidance does not apply to distribution or possession with intent to distribute CDSs. For specific guidance for cannabis-related enforcement, see Appendix B, Section III.
- The State of Maryland Uniform Criminal Citation is designed to provide a single format in which an officer may charge an adult offender with violations of certain misdemeanors enumerated in criminal codes and statutes.
- Officers shall only issue criminal citations to violators aged 18 and older. Officers shall follow JHPD Directive #426, Interactions With Youth, for guidance related to youth citation and enforcement measures.
- Officers are advised that criminal citations are a less intrusive enforcement response than arrest for violations of misdemeanor offenses, and they are generally the preferred enforcement measure when warnings are not appropriate. (See Section V below.)

- Officers shall seek approval from a supervisor prior to making an arrest for a violation of a Criminal Citation-Eligible Offense, and the associated Incident Reports must include the name of the supervisor who granted the approval.
- When issuing a criminal citation, officers shall ensure that:
 - The person is at least 18 years of age.
 - A warrant check is conducted, and the person has no outstanding criminal warrants.
 - The person can be identified via some form of acceptable ID, or the officer is able to verify the person's identity through additional investigation or computer checks. If the person's acceptable ID includes a unique identification number (such as a Soundex number, SID number, etc.), it **must** be included on the citation and in any Incident Report that will be completed.
- NOTE: If the officer is not satisfied with the person's identification as stated in this Directive, the person is not eligible to receive a citation and may be arrested and charged in accordance with the warrantless arrests procedures detailed below.
 - The person signs the citation. If the person fails to sign, the officer shall indicate on the citation that the person did not sign next to the "Defendant's Signature" line. Failure to sign the citation alone is not a basis for making a warrantless arrest and does not indicate a failure to comply.
 - The citation number is included on the first line of the narrative and in the associated fields and boxes of the Incident Report.
 - The Incident Number of the accompanying Incident Report is included within the citation's SPC.
 - The person receives a copy of the citation.
- Officers may issue multiple citations, but only one offense may be charged per citation. Multiple citations shall be "looped" in the same fashion as when multiple traffic citations are issued to the same motorist. Each offense must be included in the Incident Report.
- NOTE: For multiple "looped" citations, officers are only required to complete one SPC, provided it includes sufficient details to establish the elements of all charged offenses. Any remaining citations must then contain an SPC section referring to the other citations (e.g., "See companion citation number . . .").

- Officers shall submit all criminal citations and associated Incident Reports must be to their supervisor before the end of the officer's shift.
- Officers may document additional information related to the investigation (but not required to establish the elements of the offense charged on the citation) in the narrative of the Incident Report only.
- Officers may consult Uniform Criminal Citation Guidelines for examples of the most common misdemeanors for criminal citations and further guidance on completing the charging language, State's Attorney's Office copy, and court copy for criminal citations.
- Officers shall complete one Incident Report for the entire encounter, to include the offenses, the associated citation fields, attached legible images of the citations, the RAS for the stop, the justification for and issuance of the criminal citation, and any other facts required for the Incident Report.
- If, for any reason, an officer arrests an individual for a Criminal Citation-Eligible Offense, officers shall include in their Incident Report and SPC detailed information that describes which of the eligibility requirements the individual did not meet and, if applicable, how an arrest was the most effective and least intrusive response to the violation.
- Officers shall ensure appropriate notifications and referrals are made when necessary (i.e., to Student Affairs, Provost Office, Human Resources, or JHPS).

F. Supervisor

- Whenever an officer under their supervision issues a criminal citation, the supervisor shall review the criminal citation and Incident Report to ensure the criminal citation was properly charged and appropriately issued. Supervisors shall ensure that:
 - A copy of the accompanying Incident Report is included with the "State's Attorney" copy of the criminal citation,
 - The SPC contains the Incident Number of the accompanying Incident Report,
 - The SPC establishes the elements of the offense that have been charged on the criminal citation, and
 - The accompanying Incident Report contains the criminal citation numbers for all criminal citations issued to the person and associated citation fields, as well as legible images of the citations.

- Supervisors shall ensure that every criminal citation is certified by approving the accompanying Incident Report. Supervisors shall also ensure that:
 - Every criminal citation has an accompanying Incident Report,
 - Criminal citations are uploaded to the RMS, and
 - Notification and a referral to the appropriate entity (Student Affairs, Provost Office, Human Resources, or JHPS) have been made, if necessary.

V. **Probable Cause & Warrantless Arrest Standard** (CALEA 1.2.5)

Federal and state law generally holds that arrests are performed when a warrant has been issued. However, in Maryland, pursuant to MD Code, Criminal Procedure, § 2-202, police officers may arrest individuals without a warrant when they have probable cause to believe that a misdemeanor was committed in their presence or they have probable cause to believe that a felony (or one of several enumerated misdemeanors) was committed within or outside their presence.

- A. Officers may make a warrantless arrest when it is legally authorized by MD Code, Criminal Procedure, § 2-202, and consistent with this Directive. Officers are prohibited from making a warrantless arrest in the following circumstances:
 - A misdemeanor not committed in their presence, except for the specific enumerated offenses and circumstances listed in MD Code, Criminal Procedure, § 2-202, or
 - A criminal or civil offense that does not carry a term of imprisonment.
- B. Officers are advised that they should consider warrantless, custodial arrest as the least intrusive and most effective enforcement for all violent misdemeanors committed in their presence, as well as all felonies.
- C. Probable cause to arrest must be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation in regard to the person that is either witnessed or known by the officer. Accordingly, probable cause to arrest must be based on facts or observations about a particular person's actions or the particular circumstances that an officer encounters.
 - The physical characteristics of a person are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, nongeneral description matching the suspect or the observed behaviors of the person. A mere hunch or suspicion is not enough.

- NOTE: The information an officer relies on to determine whether probable cause to arrest exists does not require sufficient evidence to justify a conviction. It does require a reasonable approach by the officer and an honest judgment based upon a combination of factors, any of which standing alone might not be enough to justify an arrest but which, if viewed as a whole, constitute probable cause to arrest.
- D.** Probable cause to arrest may be determined by considering the various kinds of information commonly utilized by police: information obtained from informants, from victims and witnesses, from other law enforcement agencies or officers, and from firsthand observation. Reliability of the information is the key component in determining whether probable cause to arrest exists.
- E.** Probable cause may be based upon reliable hearsay information alone (i.e., information and facts represented or made known to an officer) and need not reflect the direct personal observation of the officer. Probable cause may also be based upon a combination of direct observation and hearsay information.
- Officers must ensure that probable cause to arrest exists at the time of arrest. Later events or information acquired afterward cannot be used by an officer to justify a prior arrest.
 - Officers shall be mindful that even when the officer has probable cause for arrest, the appropriate response is the least intrusive and most appropriate enforcement measure.
 - In addition, officers are reminded that in some instances it may be preferable to refrain from immediate enforcement measures, to allow for further investigation.
- F.** Officers must be mindful that what begins as an investigative stop is likely to become an arrest when the scope of the detention goes beyond the basis for it. Actions that would indicate to a reasonable person that they are being arrested or indefinitely detained may convert an investigative stop into an arrest, which would require probable cause to arrest or an arrest warrant.
- Unless justified by the RAS for the original stop, officers must have additional articulable justification for further limiting a person's freedom during an investigative stop. Examples of when a reasonable person may believe they are being arrested or indefinitely detained include when an officer:
 - Takes a person's identification or driver's license away from the immediate vicinity,
 - Orders a motorist to exit a vehicle,

- Directs a person to stand (or remain standing) or to sit any place not of their choosing,
 - Directs a person to lie or sit on the ground,
 - Applies handcuffs,
 - Transports a person any distance away from the scene of the initial stop (including for the purpose of witness identification),
 - Places a person into a police vehicle,
 - Points a firearm,
 - Performs a pat-down for weapons, or
 - Uses any level of force.
- G.** Officers may arrest without a warrant, with approval from a supervisor, when the officer reasonably believes it is the least intrusive and most effective enforcement measure and the officer has probable cause to arrest for:
- A Criminal Citation-Eligible Offense, or
 - Any nonviolent misdemeanor committed in their presence that is a Criminal Citation-Excluded Offense.
- H.** Officers may arrest, without a warrant and without approval from a supervisor, when the officer has probable cause to arrest:
- When any misdemeanor committed in their presence involves violence of any kind, including sexual assault; injury or an immediate health and safety risk to the community, such as indecent exposure; or theft, or
 - When the officer has probable cause to believe that a felony has been committed or attempted and the person has committed or attempted to commit the felony, whether or not in the presence or within the view of the officer, or
 - When the officer reasonably believes that the person for whom they have probable cause to arrest is in possession of evidence of the crime.
- I.** Pursuant to MD Code, Criminal Procedure, § 2-204.1, officers shall arrest a person without a warrant when they have probable cause to believe the individual is in violation of a protective order, as described in MD Code, Family Law, §§ 4-508.1(c), 4-509(b). For crimes of domestic violence, refer to JHPD Directive #420, Domestic Violence, Stalking & Harassment.

- J.** Officers shall **not** arrest for a Civil Citation-Eligible Offense, such as underage possession of alcohol and related alcohol offenses or underage possession of cannabis.
- NOTE: Generally, officers shall not issue criminal citations or arrest for possession or consumption of small amounts of CDSs. The least intrusive and most appropriate enforcement measure for CDS possession offenses is usually to handle them in accordance with JHU's Drug, Alcohol, and Firearms Policies for Students, available at <https://studentaffairs.jhu.edu/policies-guidelines/university-student-policies/> and <https://studentaffairs.jhu.edu/policies-guidelines/amnesty/>.
 - Any citations or arrests for CDS possession require approval from an on-duty supervisor. This guidance does not apply to distribution or possession with intent to distribute CDSs. See Appendix B, Section III, for additional cannabis-related enforcement guidance.
- K.** If an officer arrests a person but then discovers that probable cause to arrest does not exist, the officer shall immediately contact a supervisor and arrange for release of the person if they are in the custody or control of the JHPD. The officer must immediately notify a supervisor and complete an Incident Report detailing the arrest and a Supplement Report upon the person's release.
- L.** Officers may also arrest when there is an arrest warrant for a person. Officers shall follow JHPD Directive #423, Arrest Warrants, Attachments & Criminal Process, for all arrests pursuant to an arrest warrant.
- M.** Upon making any warrantless arrest of an adult, the officer must complete an SPC, which must conform to the following guidelines:
- The SPC must be clear and concise yet contain sufficient information to allow a Court Commissioner to determine if there is sufficient probable cause to arrest.
 - NOTE: The officer should be able to explain the justification for arrest in their own words and shall not use boilerplate language. In addition, the SPC should explain why the arrest was the least intrusive and most effective enforcement measure.
 - If probable cause to arrest relies on a source of information, named or unnamed, the officer must provide sufficient information to substantiate the reliability and credibility of the source of information. This information is the same that is necessary to substantiate reliability of an unnamed source of information when completing an affidavit for a search and seizure or arrest warrant.

- Officers shall only rely on information known at the time of receipt to be reliable and credible. Officers who knowingly utilize materially false or incorrect information in effectuating an arrest shall be subject to discipline. An officer may not leave material information out of an SPC if that information would defeat a finding of probable cause to arrest.

N. In the case of a warrantless arrest by a noncommissioned security guard or other persons not vested with police authority, officers must prepare the SPC. Officers are reminded that for most arrests committed outside their presence, warrantless arrest is not appropriate, and an arrest warrant or criminal summons should be obtained.

- NOTE: The above rules also apply to all traffic-related arrests.
- When applicable, in the narrative section of the SPC, officers shall:
 - For all arrests made where there is closed-circuit television (CCTV) footage, write at the top of the narrative of the SPC in bold capital letters, “**INCIDENT CAPTURED ON CCTV, CC# ____.**”
 - For all arrests made where there is body-worn camera footage, write at the top of the narrative of the SPC in bold capital letters, “**INCIDENT CAPTURED ON BWC (Body Worn Camera), I.N. (Incident Number) #____,**” in adherence to JHPD Directive #433, Body-Worn Cameras.
 - For all CDS-related arrests, identify the involved officers and their roles in the following format on the next line of the narrative.

Role of Officer	Name(s)	Sequence #(s)
Arresting Officer: Observing Officer: Recovering Officer: Packaging Officer: Submitting Officer:		

- For all arrests where evidence was submitted, include the property listing with property numbers on the next line of the narrative.
- O. If a person is arrested for a Criminal Citation-Eligible Offense, any associated Incident Report and SPC must then include detailed information describing which of the eligibility requirements (as listed in Section IV above) the person did not meet.

- P.** Officers shall complete all Incident Reports and SPCs, including properly documenting the probable cause for each arrest, as soon as practicable after the arrest, but no later than by the end of the officer's shift during which the arrest occurred.
- Q.** The primary officer shall consult with the State's Attorney's Office to determine if assisting officers should be summonsed to appear at trial.
- R.** The primary officer shall notify their supervisor of every arrest and contact their supervisor for assistance as soon as practicable when legal or procedural guidance is needed in unique, complex, unfamiliar, or challenging cases.
- S.** Officers shall include in the SPC the name of the supervisor, if any, who reviewed the completed SPC.

T. Supervisor

Supervisors shall approve or disapprove the officer's request to make an arrest for any of the violations for which a supervisor's approval is required. The supervisor will ensure that any arrest is based on the existence of probable cause to arrest and that the officer adhered to all procedures above when determining when to issue warnings, issue citations, or arrest persons for Criminal Citation-Eligible Offenses.

- Supervisors shall ensure that whenever they have been notified that a person has been injured or complains of injury, the procedures of JHPD Directive #412, Custody, Transport & Processing, are followed. If force was used on a person, they shall ensure that JHPD Directive #402, Use of Force, and JHPD Directive #407, Use of Force Reporting, Review & Assessment, are followed. When a person complains of misconduct, supervisors shall ensure that JHPD Directive #350, Complaints Against Police Personnel, and JHPD Directive #103, Rules of Conduct, are followed.
- The supervisor will review the SPC to ensure each statement accurately reflects the reasons for the arrest and includes sufficient evidence to show probable cause to arrest for the alleged violations.
- Whenever an officer under the supervisor's supervision arrests a person and charges them with a Criminal Citation-Eligible Offense, the supervisor shall review the resulting Incident Report and SPC in order to verify that the person did not meet the eligibility requirements for a warning or citation.
- The supervisor shall ensure that both the Incident Report and the SPC contain sufficiently detailed information explaining or describing why:

- A citation would not have abated the problem, or
 - The person was not eligible for a citation.
- U. Supervisors shall review each arrest-related Incident Report of officers under their supervision for completeness and adherence to law and policy. Supervisors shall record their review in writing, indicating any need for corrective action, within 72 hours of when the arrest occurs, absent exceptional circumstances.
- If exceptional circumstances do exist, the supervisor shall document what the exceptional circumstances are.
 - If the supervisor identifies deficiencies through the review, additional investigation or corrective action may require more than 72 hours to complete the review.
- V. Supervisors shall review reports and forms for deficiencies including:
- Boilerplate language, inconsistent information, lack of articulation of the legal basis for the action, language that concludes without providing supporting detail, or other indications that the reports or forms may contain information that was not accurate at the time it was reported.
 - Arrests following stops where the stop was based solely on information or evidence discovered after the stop was initiated or the fact that the person was ultimately arrested.
 - Arrests that are unsupported by probable cause to arrest or are otherwise in violation of the law or JHPD policy.
- W. Supervisors must take appropriate action to address all apparent violations or deficiencies in arrests and arrest requests, including deficiencies in reporting. Such action shall be documented by the supervisor. Appropriate action may include:
- Releasing the subject,
 - Recommending nondisciplinary corrective action for the involved officer,
 - Training, or
 - Referring the incident to the Public Safety Accountability Unit (PSAU) for administrative or criminal investigation.
 - NOTE: An arrest that is prohibited by law, such as for a misdemeanor not committed in view of the officer, shall be reviewed for possible harassment or other inappropriate intent and, if appropriate, referred to PSAU.

- X. For each officer under their supervision, the supervisor shall track each violation or deficiency and the corrective action taken, if any, in order to identify officers needing repeated corrective action. Each violation or deficiency shall be noted in the complaint management system.

VI. Notifications of Enforcement Action Involving a Student, Staff Member, or Faculty Member

- A. Officers shall immediately notify their supervisor of any enforcement measure taken with respect to any affiliate of Johns Hopkins.
- The supervisor shall notify the chain of command, including the Chief of Police, via email, as soon as practicable but no later than before the end of the shift. After review, the Chief of Police shall ensure the notification is referred to the appropriate office of Johns Hopkins.
 - In the event of a high-profile incident or arrest, the supervisor shall expedite the notification of the chain of command by immediate telephone call to the Chief of Police.
 - Any officer who becomes aware that another agency has arrested any Johns Hopkins affiliate shall follow the same notification protocol.

VII. Training

- A. The Director for Public Safety Training shall:
- Ensure that the procedures of this Directive are consistent with entrance-level and in-service training curricula.
 - Ensure that entrance-level and in-service training curricula include alternatives to arrest and diversion protocols for working with service provider partners.
 - Provide ongoing roll-call training on the contents and subject of this Directive.
 - Conduct regular audits of supervisory reviews of warrantless arrests to evaluate supervisors' reviews and conclusions within seven days of the completion of the review.
 - If misconduct is identified, refer the incident to PSAU for investigation.
 - NOTE: PSAU will ensure that appropriate correction is recommended for supervisors who fail to conduct complete, thorough, and accurate reviews of officers' warrantless arrests.

- NOTE: Quality and completeness of supervisory and commander reviews of officers' warrantless arrests will be taken into account for supervisory and commander performance evaluation.
- B.** The JHPD will identify all arrests for which the District Court Commissioner provides data showing one of the following actions: (1) released without charge, (2) released based on identity issue, (3) declined to charge, and (4) lack of probable cause finding.
 - C.** In the District Court Commissioner data, the JHPD will review the probable cause determinations for (1) all arrests that resulted in a disposition of "lack of probable cause" and (2) all arrests that resulted in a disposition of "released without charge" or "declined to charge" where the basis of the disposition was a lack of probable cause. This review will be performed by the JHPD Training Director.
 - D.** Following this review, the JHPD will take any appropriate action, which may include recommending training or other nondisciplinary corrective action for the involved officers or referring incidents for administrative or criminal investigation.
 - E.** Where a review finds that an arrest was not supported by probable cause, the JHPD auditor will document in writing what actions were taken in response to the review or the reasons that no actions were taken.
 - F.** On a quarterly basis, this data shall be reviewed by JHPD auditors to assess patterns in arrest practices by officer, shift, or unit. This review will be designed to help evaluate the JHPD's enforcement priorities and identify patterns of officer, shift, or unit behavior that may warrant corrective or disciplinary action.
 - G.** As part of regular audits, JHPD auditors will evaluate quarterly the percentage of investigative stops that uncover evidence of criminal activity, including warnings, citations, and arrests, and the nature of the criminal activity uncovered (e.g., the rate at which stops result in evidence of felonies).

Policy Enforcement

Enforcement	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 JHPD or university policy or process.
Reporting Violations	Suspected violations of this Directive should be reported to PSAU.

Related Resources

University Policies and Documents
Conduct & Responsibility #103, Rules of Conduct
Conduct & Responsibility #106, Fair & Impartial Policing
Conduct & Responsibility #110, Observation & Recording of Police Services
Personnel Procedure #350, Complaints Against Police Personnel
Operational Procedure #402, Use of Force
Operational Procedure #407, Use of Force Reporting, Review & Assessment
Operational Procedure #409, Field Interviews, Investigative Stops & Pat-Downs
Operational Procedure #412, Custody, Transport & Processing
Operational Procedure #414, Noncitizen Interactions
Operational Procedure #420, Domestic Violence, Stalking & Harassment
Operational Procedure #421, Court Orders for Protection
Operational Procedure #423, Arrest Warrants, Attachments & Criminal Process
Operational Procedure #426, Interactions With Youth
Operational Procedure #433, Body-Worn Cameras
Operational Procedure #442, Traffic Control & Enforcement
Operational Procedure #486, Assemblies, Demonstrations & Disruption of Campus Activities
External Documentation
University 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

Appendix A

Maryland Law Governing When an Officer May & May Not Make a Warrantless Arrest

1. An officer may make a warrantless arrest for a felony or attempted felony, regardless of whether it is committed in their presence. ([MD Code, Criminal Procedure, § 2-202\(c\)](#))
2. An officer may make a warrantless arrest for a misdemeanor with probable cause if it is committed in their presence. ([MD Code, Criminal Procedure, § 2-202\(b\)](#))
3. An officer may not generally make a warrantless arrest for a misdemeanor not committed in their presence.
 - a. **Exceptions:** Some exceptions to this general requirement are as follows:
 - i. An officer may make a warrantless arrest for a misdemeanor not committed in their presence if **all** of the following conditions are met: ([MD Code, Criminal Procedure, § 2-203](#))
 1. The officer has probable cause to believe that unless an arrest is made immediately:
 - a. The suspect may not be apprehended, OR
 - b. The suspect may cause physical injury to another or property damage, OR
 - c. The suspect may tamper with or destroy evidence
 2. AND the crime is one of the following misdemeanors:
 - a. Manslaughter by vehicle or vessel (MD Code, Criminal Law, § 2-209)
 - b. Malicious burning or attempted malicious burning (MD Code, Criminal Law, § 6-105)
 - c. Malicious destruction or attempted malicious destruction (MD Code, Criminal Law, § 6-301)
 - d. A theft crime where the value of the property or services stolen is less than \$1,000 or attempted theft (MD Code, Criminal Law, § 7-104)
NOTE: While the legislature has changed the misdemeanor theft crime values, the arrest statute only specifies theft where the value is “less than \$1,000.”
 - e. False alarm of fire (MD Code, Criminal Law, § 9-604)
 - f. Indecent exposure (MD Code, Criminal Law, § 11-107)
 - g. A crime that relates to CDSs under [Title 5 of the Criminal Law Article](#) or an attempt to commit one of these crimes
NOTE: This includes misdemeanor CDS possession and fraudulent attempts to obtain CDSs under MD Code, Criminal Law, § 5-601.
 - h. Wearing, carrying, or transporting of a handgun (MD Code, Criminal Law, §§ 4-203, 4-204)
NOTE: This includes on a person as well as in a vehicle.
 - i. Carrying or wearing a Concealed Weapon (MD Code, Criminal Law, § 4-101)
 - j. Prostitution and related crimes under [Title 11, Subtitle 3 of the Criminal Law Article](#)
NOTE: This includes prostitution, pandering, receiving earnings of a prostitute, and operating a house of prostitution.
 - k. Violation of release condition for a sex crime involving a minor—violation of a condition of pretrial or post-trial release under MD Code, Criminal Procedure, § 5-213.1
NOTE: This applies where a person charged with committing a sex crime against a victim who is a minor violates a condition of pretrial or post-trial release prohibiting the person from contacting, harassing, or abusing the minor or going in or near the minor’s residence or place of employment. (MD Code, Criminal Procedure, § 2-203)

ii. Domestic Violence & Second-Degree Assault

1. An officer may make a warrantless arrest for misdemeanor (second-degree) assault committed outside their presence where there is probable cause to believe that:
 - a. The suspect battered their spouse or another person with whom the suspect resides,
 - b. There is evidence of physical injury, AND
 - c. Unless the suspect is arrested immediately, the suspect:
 - i. May not be apprehended,
 - ii. May cause physical injury to another or property damage, or
 - iii. May tamper with, dispose of, or destroy evidence (MD Code, Criminal Procedure, § 2-204)

NOTE: To make a warrantless arrest for misdemeanor assault under these circumstances, a report to the police must have been made within 48 hours of the alleged incident.

NOTE: Evidence of physical injury does not need to be visible for an officer to be able to make an arrest; there only needs to be probable cause to believe that there has been a physical injury.

iii. **Stalking**

1. An officer may make a warrantless arrest for misdemeanor stalking committed outside their presence where **all** of the following conditions are met:
 - a. The officer has probable cause to believe that the suspect has committed the crime of stalking, (MD Code, Criminal Law, § 3-802)
 - b. There is some credible evidence supporting the probable cause beyond the victim's statements, AND
 - c. There is reason to believe the alleged victim or another person is in danger of imminent bodily harm or death. (MD Code, Criminal Procedure, § 2-205)

iv. **Violation of a Protective Order**

1. An officer **must** make an arrest for violation of a protective or peace order, regardless of whether it happened in the officer's presence, where:
 - a. There is probable cause that the suspect is in violation of a valid interim, temporary, or final protective order or peace order (MD Code, Courts and Judicial Proceedings, § 3-1508) in effect at the time of the violation.
 - b. This includes violations of provisions, if included in the order, requiring that the suspect:
 - i. Refrain from further abuse of, or threats of abuse directed toward, a particular person,
 - ii. Refrain from contacting, attempting to contact, or harassing a particular person,
 - iii. Refrain from entering the residence of a particular person,
 - iv. Vacate a residence shared with a particular person,
 - v. Stay away from the place of employment, school, or temporary residence of a particular person, or
 - vi. Stay away from the residence of a family member of a particular person. (Protective orders: MD Code, Family Law, § 4-509; Out of State Protective Orders: MD Code, Family Law, § 4-508.1; peace orders: MD Code, Courts and Judicial Proceedings, § 3-1508(c))
2. This applies as well to orders for protection issued by a court of another state or a Native American tribe (MD Code, Family Law, § 4-508.1) where:
 - a. A copy of the order was filed in the District Court of Maryland for Baltimore City or Circuit Court for Baltimore City, OR

- b. The victim displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

NOTE: An order for protection by an out-of-state court is one issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person. It does not include a support or child custody order.

- v. **Traffic Violations:** An officer may make a warrantless arrest for a misdemeanor not committed in their presence where there is probable cause that the suspect:
 1. Committed any traffic violation that caused or contributed to an accident resulting in bodily injury to or death of any person
 2. Violated one of the following laws:
 - a. Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, or in violation of an alcohol restriction,
 - b. Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any CDS,
 - c. Failure to stop, give information, or render reasonable assistance in the event of an accident resulting in bodily injury to or death of any person, (MD Code, Transportation, §§ 20-102, 104)
 - d. Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked,
 - e. Failure to stop or give information in the event of an accident resulting in damage to a vehicle or other property, (MD Code, Transportation, §§ 20-103, 104, 105)
 - f. Fleeing or attempting to elude a police officer,
 - g. Driving or attempting to drive a vehicle without a license, (MD Code, Transportation, § 16-101)
 - h. Falsifying tag or Motor Vehicle Administration documents or possessing same with fraudulent intent (MD Code, Transportation, §§ 14-110(b), (c), (d), (e)), or
 - i. Unauthorized driving in a race or speed contest that results in serious bodily injury to another person. (MD Code, Transportation, § 21-1116(a))
 3. Is a nonresident and the violation contributed to an accident
 4. Committed a violation and refused to acknowledge receipt by signature (MD Code, Transportation, §§ 26-203, 202)

Appendix B

Special Considerations for Certain Criminal Citation-Eligible Offenses

I. Disorderly Conduct

- A. Only law enforcement orders given to prevent a disturbance to the public peace are enforceable for violations of disorderly conduct.
- B. In order to cite an individual for disorderly conduct, officers must:
- Possess specific, articulable facts that support exactly how the public would be disturbed if the individual were to be allowed to continue their actions,
 - Advise the individual that their actions are disturbing the public and that continuing to do so may result in a citation or arrest, and
 - Unless articulable facts suggest that the individual will fail to comply, provide an opportunity for the individual to comply with an officer's warning or counseling.
- C. No officer shall use a charge of disorderly conduct in a fashion that violates a person's First Amendment rights to criticize the police, freely assemble or protest, observe police conduct, record police officers, or use public sidewalks (see JHPD Directive #486, Assemblies, Demonstrations & Disruption of Campus Activities; and JHPD Directive #110, Observation & Recording of Police Services).
- D. NOTE: In order to properly cite disorderly conduct, there must be a "public" presence and the "public" must be disturbed. Evidence of such "disturbance" has been defined by the courts in instances where, for example, a person's rude, aggressive behavior has led to complaints by numerous citizens who were unable to enjoy a particular event or endeavor due to the actions of the disorderly individual who persisted in their behavior despite numerous warnings.
- E. There may be certain incidents in which an individual is engaged in protected speech (e.g., picketing, protests, pamphleting). These individuals should be allowed to continue their protected speech so long as, in doing so, they are not unreasonably loud or disturbing the peace of others (see JHPD Directive #486, Assemblies, Demonstrations & Disruption of Campus Activities). Officers must be able to articulate the charges of "unreasonably loud" and "disturbance of the peace of others" through disturbance complaints by community officers or information from other persons whose peace was reasonably affected (*Bayard v. State*, 318 Md. 531 (1990)).
- F. "Failure to obey" an order by a police officer is not itself generally a crime. Officers shall only charge failure to obey for noncompliance with

orders made to prevent a disturbance to the public peace, such as a dispersal order. If an individual fails to obey an order made to prevent another crime (loitering, hindering, trespassing, etc.), that crime would be the more appropriate charge (not failure to obey). If no crime was committed, officers shall not charge failure to obey.

- Even if the crime “failure to obey” is committed, officers shall consider the alternatives to formal enforcement as required in this Directive.

II. Hindering

- A. In order to properly charge a person for hindering, the following criteria shall be met:
- A law enforcement officer is engaged in the performance of a duty,
 - An individual acts (or fails to act) in a manner that materially obstructs or hinders the law enforcement officer, and
 - The individual knows that the law enforcement officer is engaged in the performance of a duty and knowingly acts (or fails to act) in order to obstruct or hinder the law enforcement officer.
- B. NOTE: An individual’s protected speech may not be used as a basis for hindering (JHPD Directive #486, Assemblies, Demonstrations & Disruption of Campus Activities).

III. Cannabis-Related Civil & Criminal Enforcement

- A. General
- Officers shall use the most effective and least intrusive enforcement method appropriate under the circumstances when addressing cannabis violations, such as issuing a written warning instead of a citation or issuing a citation in lieu of an arrest.
 - NOTE: The least intrusive and most appropriate enforcement measure for most types of cannabis-related civil and criminal offenses is usually to handle them in accordance with JHU’s Drug, Alcohol, and Firearms Policies for Students, available at <https://studentaffairs.jhu.edu/policies-guidelines/university-student-policies/> and <https://studentaffairs.jhu.edu/policies-guidelines/amnesty/>.
 - When issuing a civil citation, officers shall use the Uniform Civil Citation form number DC-028, revision date 07/2023, and adhere to the civil citation procedures set forth Directive.

- When issuing a criminal citation, officers must adhere to the criminal citation procedures of this Directive (Procedures, Section IV).
- Officers who issue a citation to or make an arrest of individuals for possession of the prohibited amounts of cannabis that justify a citation or arrest shall, in the absence of an official measurement, rely upon their training, knowledge, and experience to determine the unpackaged weight to meet the requirements. This evaluation must be documented by the officer in the reports pertaining to the incident.
- Cannabis recovered by an officer during their tour of duty shall be submitted to the JHPD's found property box, marked for destruction, by the end of the officer's tour of duty, unless related to an offense other than simple possession (driving while impaired, theft, etc.).
- Criminal offenses supersede civil offenses. Therefore, where multiple offenses exist and both criminal and civil offenses are possible, officers shall disregard the civil offense and only charge the person criminally.
- Should the person refuse to sign the citation, the officer shall write "Refused to Sign" on the signature line of the citation. If an officer issues a citation and the recipient refuses to sign, the officer shall appear at the initial court appearance (arraignment).

B. Personal Use Amount of Cannabis

- Only adults 21 years of age or over **may legally** use and possess a personal use amount of cannabis.
- If a person under 21 years of age uses or possesses the personal use amount of cannabis, it is a civil offense with a maximum fine of \$100 (MD Code, Criminal Law, § 5-601(c)(2)(ii)(1)), and they may **not** prepay fines for civil cannabis violations. (See Section III.I below for directives regarding youth.)

C. Civil Cannabis Violations

- No person may use or possess the civil amount of cannabis.
- Use or possession of the civil amount of cannabis is a civil offense with a maximum fine of \$250.00. (MD Code, Criminal Law, § 5-601)
- If the person is 21 years of age or over, and it is their first or second offense, they may prepay a \$125 fine to the District Court within 30 days.
- Smoking cannabis in a public place and in certain indoor locations prohibiting smoking is a civil offense punishable by a fine:

- First offense: Maximum fine is \$50, with a prepay amount of \$25.
- Second offense or greater: Maximum fine is \$150, with a prepay amount \$75.
- No occupant of a motor vehicle may smoke cannabis in a passenger area of a motor vehicle on a highway. (MD Code, Criminal Law, § 10-125(b)(3)) It would be considered a nontraffic civil offense with a fine of \$25. (MD Code, Criminal Law, § 10-126)

D. Criminal Cannabis Violations

- Possession of Criminal Amount of Cannabis
 - Adults 18 years of age or over who use or possess the criminal amount of cannabis may be charged with a misdemeanor and serve a maximum of six months in prison. (MD Code, Criminal Law, § 5-601(c)(2)(i))
 - For possession of the criminal amount, officers **must try** to charge this crime by criminal citation before making an arrest in accordance with this Directive.
- Other Criminal Cannabis Violations

For criminal cannabis crimes in this section, other than possession of the criminal amount of cannabis, adults 18 years of age and over may be charged with a misdemeanor and subject to imprisonment not exceeding three years or a fine not exceeding \$5,000 or both. These crimes include:

 - MD Code, Criminal Law, § 5-602, Manufacturing, distributing, possession with intent to distribute, or dispensing controlled dangerous substance.
 - MD Code, Criminal Law, § 5-603, Equipment to produce controlled dangerous substance.
- Officers shall know that:
 - Possession of the civil use amount of cannabis or the personal use amount of cannabis without other evidence does **not** constitute possession with intent to distribute or dispense cannabis.
 - “Adult sharing” of the personal use amount of cannabis is **not** prohibited. It is legal to transfer cannabis between people who are 21 years of age or older as long as there is no exchange of goods or services.

E. Manufacture, Production Equipment & Cultivation Restrictions

Per MD Code, Criminal Law, § 5-603(b), a person may not cultivate or grow cannabis, manufacture a cannabis product, or manufacture, distribute, or possess a machine, equipment, an instrument, an implement, a device, or combination of them that is adapted to produce cannabis or a cannabis product under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense cannabis or a cannabis product.

- A person under the age of 21 years may **not** cultivate cannabis plants.
- Cultivation of cannabis plants (maximum two plants per residence, regardless of how many adults 21 years of age or over live there) must be out of public view and secured so the plants are not accessible by unauthorized individuals or people under 21 years of age. Cannabis plants may only be grown on property owned by the grower or with consent of the property owner. (See MD Code, Criminal Law, § 5-601.2, for details regarding cultivation restrictions.)

F. Operating a Vehicle or Vessel

Permissions granted under MD Code, Criminal Law, § 5-601, do not affect the current laws (MD Code, Transportation, § 21-902, or Natural Resources, § 8-738) governing driving under the influence of or driving while impaired by a CDS, or the laws governing seizure and forfeiture. Officers shall consider other evidence in determining whether the driver was impaired or under the influence and may not rely solely on the odor or presence of cannabis before effectuating an arrest for driving under the influence or driving while impaired or searching for evidence.

G. Stops & Searches Based on Cannabis

Officers shall not initiate a stop or a search of a person, a motor vehicle, or a vessel based solely on one or more of the following:

- The odor of burnt or unburnt cannabis,
- The possession or suspicion of possession of cannabis that does not exceed the personal use amount, or
- The presence of cash or currency in proximity to cannabis without other indicia of an intent to distribute.

H. If an officer is investigating a person solely for driving or attempting to drive a motor vehicle or vessel while impaired by or under the influence of cannabis in violation of MD Code, Transportation, § 21-902, or Natural Resources, § 8-738, the officer shall not conduct a search of an area of a motor vehicle or vessel that is not:

- Readily accessible to the driver or operator of the motor vehicle or vessel, or

- Reasonably likely to contain evidence relevant to the condition of the driver or operator of the motor vehicle or vessel.
- Evidence discovered or obtained in violation of this section, including evidence discovered or obtained with consent, is not admissible in a trial, a hearing, or any other proceeding. (See JHPD Directive #411, Search & Seizure.)

I. Youth Under 18 Years of Age

- Youth under 18 years of age in possession of cannabis may be issued a Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses for civil cannabis violations, in accordance with JHPD Directive #426, Interactions With Youth. (MD Code, Courts and Judicial Proceedings, § 3-8A-33)
- For other cannabis violations committed by a youth, officers may refer the matter to the Department of Juvenile Services (DJS) by submitting a DJS paper referral in conformance with JHPD Directive #426, Interactions With Youth.
- If the officer believes the youth is under the influence of or has ingested cannabis, the officer shall provide or summon medical attention when appropriate.

J. Cannabis Civil & Criminal Enforcement Required Reporting

- Officers shall use computer-aided dispatch code 87, which is for CDS violations.
- Officers shall include the term “cannabis” in their body-worn camera title and “youth” if the subject is a youth under the age of 18 years.
- Officers shall use the Uniform Civil Citation form number DC-028, revision date 07/2023, to charge all civil offenses relating to cannabis. If the officer does not have this new citation book, the officer may include a District Court–approved sticker with the updated cannabis information on a previously issued DC-028 form.
- For all stops regarding cannabis, whether officers issue a civil citation, a criminal citation, or no citation, officers shall complete an Incident Report. They **shall not** complete a Field Interview Report for the issuance of a civil citation. In the Incident Report, officers shall:
 - Select “Civil CDS Violation” as the incident type for civil cannabis offenses and “CDS Violation” for criminal cannabis offenses.
 - Complete designated fields for the citation information, property listing, and any searches or weapons pat-downs conducted.

- Attach a legible image of the citation.
- Articulate RAS for stops and any weapons pat-downs, and probable cause for citations and any vehicle searches.
- Cannabis submitted for civil citation and civil CDS cases will be submitted to BPD Evidence Control. It will not be analyzed unless specifically requested by the primary officer in the case.

K. Additional Reporting for Youth Under 18 Years of Age

If an officer seeks to issue a Juvenile Civil Citation or refer the matter to DJS for a paper referral, the officer shall adhere to the report-writing requirements in JHPD Directive #426, Interactions With Youth, and complete and attach a Juvenile Custody Report (Form 11/83) and complete an Incident Report including the Juvenile Custody Report. If a parent or guardian is present, document their name, information, and relationship to the youth in the Incident Report.

- When completing a Juvenile Civil Citation, officers shall:
 - Give the “juvenile” copy to the youth being charged,
 - Retain the “law enforcement” copy of the citation, and
 - Forward the “original” citation to the Central Records Section.
- A youth may refuse to sign the citation. It is important that the full name, phone number, and address of the youth’s parent or legal guardian be entered on the citation where specified. The officer shall give the youth a copy of the citation and provide one to the parent or guardian if present. If the parent or guardian is not present, a copy of the citation will be mailed to them by DJS.

L. Supervisor

- First-line permanent rank supervisors shall strategize cannabis enforcement based upon community public safety priorities.
- First-line permanent rank supervisors shall monitor the enforcement decisions made by an officer under their supervision who is investigating a Civil Citation-Eligible Offense.
- First-line permanent rank supervisors shall review and sign every citation and associated reports to check for completeness and that the issuing officer operated within the laws of the state of Maryland and the rules and regulations of the JHPD. The citation is to be signed by the supervisor at its top right portion.
- If a citation is not correct or complete, first-line permanent rank supervisors shall void the citation. If Incident Reports are incorrect or incomplete (e.g., narrative lacks probable cause or RAS; designated fields are not used to capture citation information, property, or any searches; or the image of the citation is illegible),

they shall return the Incident Report to the reporting officer for correction.

- First-line permanent rank supervisors shall submit the citations to the district report auditor. Supervisors shall ensure all reporting and submissions are completed by the end of their tour of duty.

M. Commanding Officer

- Commanders shall communicate to supervisors under their command the mission and vision of the JHPD as it relates to community policing and engagement, and how cannabis enforcement is prioritized in the Johns Hopkins community.
- Commanders shall ensure that the unit or district has an appointed officer deliver recorded citations and transmittal forms to the appropriate places.
- Commanders shall file citations and associated reports for youths separately from those for adults.

N. Records Management

- The Records Management function shall be responsible for receiving and processing all civil and criminal citations and related reports.
- The Records Management function shall be responsible for delivering any citations and reports for youth to DJS Intake.