



POLICE DEPARTMENT
ASSEMBLIES,
DEMONSTRATIONS &
DISRUPTION OF CAMPUS
ACTIVITIES

OPERATIONAL
PROCEDURE #486

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

As articulated in Johns Hopkins University’s Statement of Principles on Academic Freedom and its Guidelines for Students in Support of Free Expression Through Protests and Demonstrations, Johns Hopkins is committed to academic freedom as a fundamental value. Accordingly, this Directive is designed to support the right to engage in acts of expression protected by the First Amendment and the right of an audience to receive that expression in a safe and peaceable environment that ensures the health and safety of the Johns Hopkins community.

This Directive applies only to the Johns Hopkins Police Department (JHPD); it does not change, amend, or restrict Johns Hopkins policies, guidelines, procedures, or practices with respect to assemblies, demonstrations, or disruptions in the Johns Hopkins campus area, nor does it presume that the JHPD will always have primary responsibility for the institutional response to such assemblies, demonstrations, or disruptions. Consistent with current Johns Hopkins policies, guidelines, procedures, and practices, where appropriate and reasonable nonpolice Johns Hopkins institutional resources may handle responses to assemblies, demonstrations, and other acts of expression protected by the First Amendment.

Who Is Governed by This Policy

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

Purpose

The purpose of this written Directive is to ensure that all officers of the JHPD understand their responsibility to protect acts of expression protected by the First Amendment to the U.S. Constitution and the Maryland Declaration of Rights, including the rights to freedom of speech and expression, freedom of assembly, and freedom to observe and record the actions of law enforcement officers.

Definitions

Acts of Expression Protected by the First Amendment:	Include all forms of peaceful speech and expressive conduct used to convey ideas and information, express grievances, or otherwise communicate with others; they can include verbal and nonverbal expression. Common acts of expression protected by the First Amendment include but are not limited to speeches, assemblies, demonstrations, vigils, picketing, distribution of literature, display of banners or signs, and use of puppets, street theater, and other artistic forms of expression, as well as the right to observe and record police activity. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the U.S. Constitution and the Maryland Declaration of Rights. Violence of any kind is not protected by the First Amendment of the U.S. Constitution.
Assembly:	A peaceful gathering. This may be a scheduled event that allows for law enforcement planning, but it also may be a spontaneous gathering. Gatherings could include but are not limited to marches or protests.
Campus Area:	Per the enabling statute, MD Code, Education, § 24-1201(c), “campus area means any property that is: (i) owned, leased, or operated by, or under the control of Johns Hopkins University; (ii) located on: <ol style="list-style-type: none">1. The Homewood Campus, meaning the area bounded by West University Parkway and East University Parkway on the north, East 28th Street and West 28th Street on the south, Remington Avenue and Stony Run stream on the west, and North Calvert Street on the east;2. The East Baltimore Campus, meaning the area bounded by East Eager Street on the north, East Baltimore Street on the south, North Caroline Street on the west, and North Castle Street on the east; or3. The Peabody Campus, meaning the area bounded by West Madison Street and East Madison Street on the north, East Hamilton Street and West Hamilton Street on the south, Cathedral

	Street on the west, and Saint Paul Street on the east; and (iii) used for educational or institutional purposes.” Campus area “includes the public property that is immediately adjacent to the campus, including: (i) a sidewalk, a street, or any other thoroughfare; and (ii) a parking facility.”
Civil Disturbance or Unrest:	A breach of the peace by a gathering of persons where there is a threat of collective violence, destruction of property, or other unlawful acts.
Counterdemonstrator or Counterassembler:	A participant in a demonstration or assembly that opposes another ongoing demonstration or assembly.
Covert Investigation:	Pursuant to MD Code, Public Safety, § 3-701, this term means infiltration of or attempt to infiltrate a group or organization in a manner that conceals the identity of the law enforcement agency or the identity of an officer or agent of the law enforcement agency. This does not include the use of plainclothes officers or employees for crowd control and public safety purposes at public events.
Demonstration:	A public display of a group’s or individual’s feelings toward a person or people, idea, cause, etc. This includes but is not limited to marches, protests, student walkouts, assemblies, and sit-ins. Such events and activities may attract a crowd that includes participants, onlookers, members of the media, and others who may agree or disagree with the point of view of the activity.
Disruption:	Intentional behavior that materially obstructs, impairs, or interferes with an institutional function, operations, or the authorized and permissible use of institutional facilities or creates a health, safety, or welfare concern.
First Amendment Auditor:	Individuals who record public safety personnel and facilities to test their compliance with the First Amendment right to observe and record police activity.
Incident Action Plan (IAP):	An oral or written plan containing the general objectives and the overall strategy for managing an incident.
Incident Commander:	The person responsible for overseeing the response to assemblies or demonstrations and civil disturbances, including the development of strategies and tactics and the ordering and release of resources. If no Incident Commander has been designated, the most senior ranked officer on scene shall act as the Incident Commander until relieved.
Incident Command System (ICS):	A standardized, on-scene emergency management procedure designed to provide an integrated organizational structure, regardless of jurisdictional boundaries, during the response to and resolution of a critical incident.
Inciting Imminent Unlawful Action:	Urging other persons to engage in criminal activity that will occur immediately. Inciting imminent unlawful action does not include urging others to engage in criminal activity that might occur at some point in the future; it only includes urging criminal activity that is about to happen.

Legal Observers:	Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests, and other activities where there is a potential for conflict between those assembled and law enforcement or security. Indicia of legal observers include green legal observer hats or black-and-green vests from the National Lawyers Guild or blue legal observer vests issued or authorized by the ACLU.
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.).
Member of the Media:	Any person who is an employee, agent, or independent contractor of any newspaper, magazine, or other periodical; book publisher; news agency; wire service; radio or television station or network; cable or satellite station or network; audio or audiovisual production company; or any other entity that is in the regular business of gathering and disseminating news or information to the public by any means, including print, broadcast, photographic, internet, and other electronic distribution. The following are potential indications of being a member of the media: visual identification as a member of the media, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the media.
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Safety Officer:	An officer designated by command staff responsible for monitoring incident operations and advising the Incident Commander on all matters relating to operational safety, including the health and safety of emergency responder personnel.
True Threats:	Statements that are intended to threaten or intimidate, when the speaker means to communicate a serious intent to commit an act of unlawful violence or harm to a particular individual or group of individuals and those individuals are aware of or present to observe the communication.

Policy

All officers of the JHPD shall respect and protect the First Amendment rights of all persons. The acts of expression protected by the First Amendment of the U.S. Constitution promote the free exchange of ideas, which is fundamental to democratic governance and academic freedom. Preservation and protection of First Amendment rights fosters transparency and accountability, which are vital to maintaining public trust in the rule of law and the legitimacy of law enforcement.

Core Principles

The JHPD understands that ensuring public safety—our primary responsibility—includes facilitating and assisting those seeking to engage in peaceful protests, demonstrations, vigils, displays, or other nonviolent acts of public expression on the campus.

- I. **The right to free speech and expression**, which includes the right to criticize law enforcement or otherwise engage in protected expression in the presence of law enforcement officers without being subject to retaliation.
- II. **The right to freely organize and participate in lawful assemblies and protests**, when permitted by institutional guidelines in open spaces on campus, in public parks, on sidewalks, and in other public forums, including public forums near the object of the assembly or protest so that those assembled may be seen and heard.
- III. **The right to observe and record the actions of law enforcement officers** in the public discharge of their duties in all public spaces (including sidewalks, parks, and other locations for lawful public protest), as well as all other areas in which persons have a legal right to be present (including a person’s home or business and common areas of public and private facilities and buildings), without being subject to retaliation.

Procedures

I. **Rules for JHPD Officers Responding to Demonstrations & Assemblies**

Where appropriate and reasonable, events, assemblies, and demonstrations in the Johns Hopkins campus area may be managed by nonpolice Johns Hopkins institutional resources and are governed by relevant Johns Hopkins policies guidelines, procedures and practices. The following rules apply to the JHPD and govern the actions of JHPD officers when responding to assemblies, demonstrations, and other acts of expression protected by the First Amendment.

- A. An officer shall not restrict the rights of any person to peacefully speak and express themselves freely, including by using criticism, insults, profanity, name calling, or obscene gestures directed at law enforcement or by expressing disagreement.
- B. An officer shall not, unless necessary to ensure the health, safety, or welfare of the assemblers, demonstrators, or others, restrict the ability of any person to gather at or near the object of the assembly or demonstration.
- C. An officer shall not restrict the right of any person to peacefully assemble, in accordance with institutional policies and practices.

- D.** An officer shall make all reasonable efforts to protect demonstrators and assemblers and preserve their ability to engage in assemblies and demonstrations on campus area.
- E.** An officer shall seek to prevent and de-escalate disruptions and prevent assemblies and demonstrations from escalating into civil disturbances through appropriate de-escalation and intervention techniques. See JHPD Directive #401, De-escalation.
- F.** An officer shall make all reasonable efforts to separate demonstrators and assemblers from counterdemonstrators and counterassemblers to maintain order and avoid any potential confrontation.
- G.** To avoid potential confrontations, an officer shall also seek to make sure there is adequate space for ingress and egress around assemblies and demonstrations.
- H.** An officer shall promptly respond to any reports of threats of harm or harassment by or against persons engaged in acts of expression protected by the First Amendment.
- I.** For any event for which there is an IAP, an officer shall adhere to the IAP, unless otherwise directed by supervisors or unless criminal activity that requires an immediate law enforcement response is identified.
- J.** An officer shall adhere to all directives governing the use of force when confronting all demonstrations or assemblies that have become civil disturbances. These directives include but are not limited to JHPD Directive #401, De-escalation; JHPD Directive #402, Use of Force; and JHPD Directive #407, Use of Force Reporting, Review & Assessment.
- K.** To de-escalate the potential for disorder and avoid arrests of numerous persons, an officer shall endeavor to accommodate assemblies and demonstrations that may temporarily block traffic or otherwise obstruct public streets by regulating or rerouting traffic as much as practical.
- L.** An officer shall not interfere with a person's right to observe or record police activity in all public campus settings (including sidewalks, parks, and other locations for lawful public protest) and all other areas in which people have a legal right to be present, so long as the observation or recording does not threaten the safety of any officer or any other person and does not physically interfere with the performance of any officer's duties or violate a person's reasonable expectation of privacy.
- See JHPD Directive #110, Observation & Recording of Police Services, for guidance on addressing the public's observation and recording of police actions.
 - NOTE: An officer may interact with First Amendment auditors. During any interaction with a First Amendment auditor, officers shall always remain calm, courteous, and helpful and shall avoid debates on the scope of their legal rights or any other matter.

- M.** An officer shall not restrict the right of any person to criticize law enforcement through speech, unless they are endangering another officer or person or are actually interfering with a legitimate law enforcement objective.
- N.** An officer shall not take action solely for the purposes of retaliating against individuals or a group for engaging in acts of expression protected by the First Amendment. This includes retaliation by ordering persons or groups to disperse; by stopping, detaining, searching, arresting, issuing a citation to, or threatening to stop, detain, search, arrest, or issue a citation to any person or group for which there is not legal justification in support of such action; or by using force or threatening to use force against persons or groups when such force is not in accordance with JHPD Directive #402, Use of Force.
- O.** An officer shall not use force in response to a person engaging in an assembly or demonstration or other acts of expression protected by the First Amendment, unless such force is in accordance with JHPD Directive #402, Use of Force.
- P.** An officer shall not engage in intimidation or harassment toward persons participating in assemblies or demonstrations. Such prohibited intimidation and harassment include verbal threats and profanity, use of video recorders to harass, and display of a weapon for intimidation. Intimidation does not include warnings related to legitimate law enforcement objectives, including trespass and disruption warnings.
- Q.** An officer shall not arrest a person engaged in assemblies and demonstrations, unless there is **individualized** probable cause to believe that the person has committed a crime. This means that an officer may not arrest any person unless the officer has sufficient objective facts based on the officer's own knowledge, or reliable and trustworthy information provided by other officers or third parties, to establish probable cause that the person committed a crime. Officers may not arrest any person engaged in assemblies or demonstrations because other persons engaged in the same assemblies or demonstrations engage in violent or otherwise unlawful conduct, such as trespass.
- **EXAMPLE:** A group of 30 marches together in the streets and on the sidewalks engaged in political protest. Five people break from the group, smash several storefront windows, and then rejoin the group.
 - o An officer may identify and arrest the five people who smashed windows based on their personal conduct. See JHPD Directive #424, Arrests & Alternatives to Arrest.
 - o An officer may not arrest others in the group based on their association with the five people who broke the windows because there is no individualized probable cause that the other members of the group committed a crime.
- R.** An officer shall not interrupt a speaker, unless the interruption is (1) necessary to ensure the health, safety, or welfare of the assemblers, demonstrators, or others; (2) there is an imminent threat of physical harm to the speaker, based on true

threats from the audience; (3) the speaker makes true threats of imminent physical violence; (4) the assembly or demonstration constitutes a disruption; or (5) the assembly or demonstration has become a civil disturbance.

- S.** An officer shall not terminate or disperse assemblies, demonstrations, or other acts of expression protected by the First Amendment, unless both of the following apply:
- It is necessary to ensure the health, safety, or welfare of the assemblers, demonstrators, or others; it has turned into a civil disturbance or disruption; or it threatens to turn imminently into a civil disturbance or disruption, and
 - A dispersal order and warning or trespass notice have been given in accordance with this Directive.
- T.** An officer shall not substantially surround or enclose persons participating in or observing an assembly or protest and prevent them from leaving the area.
- EXAMPLE: A group gathered on Homewood Field is ordered to disperse and exit the field. The assembled persons promptly attempt to comply with the order by walking down a service alley that connects the athletic facilities. Police officers may not form lines at the beginning and end of the alley and close off all exit routes. In addition, officers may not arrest everyone gathered within the service alley that connects the field as they are dispersing.
- U.** An officer shall not treat assemblers or demonstrators differently based on the content or viewpoint of their legally protected speech, nor based on their race, national origin, gender identity, gender expression, disability or illness (physical or mental), sexual orientation, religion, political ideology or affiliation, social status, veteran status, economic status, family status, human immunodeficiency virus (HIV) status, immigration status, housing status, language ability, age, or any other protected class under state, federal, and local laws. See JHPD Directive #106, Fair & Impartial Policing.
- V.** An officer shall not target the leaders or organizers of assemblies and demonstrations or other acts of expression protected by the First Amendment by singling out such persons for harsher or disparate treatment. Officers shall not single out persons for video recording solely because the persons appear to be the leaders or organizers of an assembly or protest. This does not prevent an officer from taking enforcement actions if the officer has reasonable articulable suspicion or probable cause to believe that a person, whether a leader/organizer or not, is inciting violence or has committed a crime.
- W.** An officer shall not allow personal beliefs and opinions to interfere with their duties as law enforcement officers.
- X.** An officer shall not express personal, political, or religious views during a public assembly while on duty.
- Y.** An officer shall not use body-worn cameras (BWCs) and other audiovisual

recording devices to gather intelligence information based solely on acts of expression protected by the First Amendment, including speech.

- This does not preclude officers from activating their BWCs or other audio-recording devices when required to do so in accordance with JHPD Directive #433, Body-Worn Cameras, and JHPD Directive #438, In-Car Camera System, such as when engaged in enforcement activities, including giving trespass notice, or when they have reasonable articulable suspicion or probable cause to believe that a person is inciting violence or committing a crime.
- Z.** In accordance with MD Code, Public Safety, § 3-701, an officer shall not conduct a covert investigation of a person, a group, or an organization engaged in an assembly or demonstration.

II. Preparation by the JHPD for Demonstrations & Assemblies

This section outlines the steps and procedures that the JHPD will take when preparing for its potential response to demonstrations and assemblies. It does not prohibit, change, or alter the processes of nonpolice Johns Hopkins institutional resources when preparing for assemblies or demonstrations.

- A.** The Chief of Police or their designee shall be notified immediately of any demonstrations or assemblies, planned or anticipated, in the JHPD campus area and will notify the Vice President for Public Safety, if those roles are separate.
- B.** ICS shall be used for response to demonstrations or assemblies in conformance with JHPD Directive #480, Critical Incident Response & Management. The Chief of Police or their designee will appoint a JHPD Incident Commander for the event. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 46.1.3.a)
- C.** Whenever disruption is anticipated, a JHPD Incident Commander will be appointed and will prepare an IAP for the JHPD only.
- D.** The JHPD Incident Commander will monitor the demonstration or assembly status, through communications with nonpolice Johns Hopkins institutional resources, and prepare for any potential JHPD response.
- Reminder: Where appropriate and reasonable Johns Hopkins's response to demonstrations and assemblies may initially be coordinated by the appropriate nonpolice Johns Hopkins resource. The JHPD Incident Commander will coordinate any JHPD response requested and will only assume control when authorized by the Chief of Police or their designee.
- E.** The JHPD Incident Commander shall be responsible for deployment of JHPD resources and development of the JHPD IAP. (CALEA 46.1.1)
- F.** The JHPD Incident Commander shall communicate and coordinate planning for any demonstrations or assemblies with appropriate nonpolice Johns Hopkins institutional resources, as needed. (CALEA 46.1.3.c)

- G.** The JHPD Incident Commander will also be responsible for communicating and coordinating with the Baltimore Police Department (BPD) regarding assistance from BPD for demonstrations, assemblies, civil disturbances, and unrest. (CALEA 46.1.3.d)
- H.** Communication with event or demonstration organizers or leaders may be established and handled by appropriate nonpolice Johns Hopkins institutional resources, unless that responsibility is delegated to the JHPD Incident Commander.
- I. Spontaneous Demonstrations or Assemblies:** Spontaneous demonstrations or assemblies, which occur without prior planning or notice to the police, present less opportunity for JHPD planning and prevention efforts. Nonetheless, the same policies apply to a spontaneous event as to a planned event, except that:
- The shift supervisor shall immediately assume the role of JHPD Incident Commander and notify the Chief of Police or their designee, as soon as possible, and appropriate nonpolice Johns Hopkins institutional resources, as relevant. If immediately necessary, the shift supervisor should also contact BPD's district command.
 - The Chief of Police or their designee, once notified, will appoint a JHPD Incident Commander; once appointed, the JHPD Incident Commander shall declare over the police radio that they have assumed command of the incident for the JHPD.
 - An immediate assessment of the situation is essential for determining the appropriate JHPD response, if any, and appropriate notifications to BPD, if needed.

III. Development of Incident Action Plans Related to Assemblies & Demonstrations (CALEA 46.1.5.a, 46.2.7)

This section provides additional guidance related to the development of IAPs for the JHPD when preparing to potentially respond to assemblies, demonstrations, and other acts of expression protected by the First Amendment on the Johns Hopkins campus. These additional guidelines complement JHPD Directive #480, Critical Incident Response & Management.

- A.** A JHPD IAP directs and coordinates JHPD response operations. A JHPD IAP shall be developed by the Incident Commander or designee prior to known significant events. This allows for a clear method for communicating the overall incident objectives in the context of operational and support activities.
- B.** In addition to the standard information outlined in ICS protocols, all JHPD IAPs must specifically address the following four questions:
- What do we want the JHPD to do?
 - Which JHPD members are responsible for doing it?
 - How do we communicate with other JHPD members and other Johns

Hopkins institutional resources?

- What is the procedure if anyone is injured?

C. In addition to the IAP requirements mandated by ICS, a JHPD IAP developed for response to a demonstration or assembly shall include details related to any task that has been delegated to the JHPD, which may include:

- An effective traffic and crowd-control plan for buildings, streets, and sidewalks.
- Communication and coordination with other appropriate Johns Hopkins institutional resources, assemblers and demonstrators, or BPD regarding any potential resources needed and response to any potential violence, disruption, criminal activity, civil disturbances, or unrest, including the identification and contact information for the BPD liaison for the event.
- The following information:
 - o The location and type of event
 - o The approximate number of participants
 - o The nature of the activities
 - o Any immediate threats to the safety of the participants or nonparticipants
 - o The number of structures or vehicles involved
 - o The size of the involved area
 - o The number of additional JHPD officers needed and an appropriate staging area
 - o The location for a staging area for members of the media, if needed
 - o Ingress and egress routes
 - o Additional resources (paramedic, fire department, outside agencies, etc.)
- A protocol for the role of safety officer, which shall include, if necessary:
 - o Health and safety guidance during predeployment briefings
 - o Ensuring the availability of mental health and medical professionals to provide health care to officers and any community member who may need care
 - o Ensuring the close monitoring and periodic affirmative checks of officers' well-being by supervisors
 - o Close monitoring of officer fatigue and indications of stressors
 - o During prolonged periods of demonstrations or civil unrest, the deployment of police counselors or psychologists to provide individual counseling to officers and their family members

- To the extent possible, a plan for JHPD public information sharing and coordination with Johns Hopkins communications resources before, during, and after a significant event.

D. Additional Planning Considerations for Demonstrations & Assemblies: In accordance with this Directive, the JHPD respects the right of all members of the Johns Hopkins community to explore and discuss questions that interest them, to express opinions publicly, and to gather together peacefully to demonstrate their concern by orderly means. The goal of the JHPD response is to de-escalate any unlawful behavior and support the ability of those engaged in assemblies and demonstrations. As such, the JHPD IAP should:

- If not delegated to the JHPD, identify the appropriate nonpolice Johns Hopkins institutional resource that is responsible for establishing contact with the leaders of demonstrations and assemblies and initially responding to any complaints of disruptive behavior. These resources establish open lines of communication and communicate any issues or concerns so they can be resolved quickly before matters escalate.
- Anticipate the JHPD being called to immediately respond to dangerous or criminal situations, violence, and situations that create health, safety, and welfare concerns.
- Explain that the decision to forcibly remove or arrest individuals or disperse demonstrations and assemblies will be measures of last resort and require the approval of the Chief of Police or their designee, unless there is an immediate health, safety, or welfare concern.

IV. Response to Disruptions, Civil Disturbances, or Unrest on the Johns Hopkins Campus

This section outlines the JHPD's procedures related to its response to disruptions, civil disturbances, and unrest in the Johns Hopkins campus area. In addition to this Directive and other JHPD directives, Johns Hopkins policies, guidelines, procedures, and practices exist to support peaceful demonstrations and assemblies on campus, in a manner that seeks to ensure the health and safety of all members of our community.

A. Initial Response: In accordance with Johns Hopkins's commitment to freedom of expression, where appropriate and reasonable, the initial response to disruptions within the campus area may be handled by nonpolice Johns Hopkins institutional resources. As such, if it is determined by the JHPD incident commander to be appropriate and reasonable, the JHPD should not intervene until:

- They have determined whether a nonpolice Johns Hopkins institutional resource has engaged with the individuals that are causing a disruption. If that has not occurred, the JHPD officer will contact the appropriate nonpolice Johns Hopkins institutional resource to respond.

- If any nonpolice Johns Hopkins institutional resource is available, responds, and requests assistance, an officer may accompany them and provide requested support.
- NOTE: If the disruption is in a health care facility or there is an immediate health, safety, or welfare concern, a responding officer may immediately respond and intervene and, if necessary, proceed with a trespass notice. If a trespass notice is given and the individual refuses to leave the area or premises, the responding officer may immediately proceed with the least intrusive and most appropriate enforcement measures, in accordance with JHPD Directive #424, Arrests & Alternatives to Arrest.

B. De-escalation Intervention Strategies: Officers should utilize de-escalation techniques when seeking to resolve disruptions caused by persons engaged in acts of expression protected by the First Amendment. Where appropriate and reasonable, de-escalation may be led by the appropriate nonpolice Johns Hopkins institutional resources.

- In addition to the de-escalation techniques outlined in JHPD Directive #401, De-escalation, officers should consider utilizing the following de-escalation intervention strategies:
 - o Work with organizers and monitors to gain voluntary compliance and determine a resolution of the situation.
 - o If possible, encourage persons engaged in disruptive activity to voluntarily disperse or move to a location where they can continue the assembly or demonstration without creating a disruption.
 - o If possible, isolate unlawful activity by individuals or small groups in an otherwise peaceable assembly through targeted enforcement measures, including removal of law violators, such that a peaceable assembly may continue.
 - o Use loudspeakers or other communication methods to communicate Johns Hopkins desire to allow for the continuation of peaceful activity, explain proper behavioral expectations to individuals involved, and request that they collectively self-govern and monitor those around them so that the demonstration or assembly may continue.

C. Removal of Individuals Causing a Disruption: If there is an immediate health, safety, or welfare concern; the disruption is at a health care facility; or de-escalation efforts fail, officers should consider engaging in targeted enforcement and removal of disruptive individuals. Often, removing agitators will cause others in the crowd to de-escalate activity or disperse without further law enforcement intervention.

- When targeted enforcement is necessary, either the officer or a nonpolice Johns Hopkins institutional resource should give the identified disruptive individuals a trespass notice indicating that they

are trespassing and that they must disperse or be subject to criminal charge and possible arrest. For example:

“I am [name]. This is Johns Hopkins property. As a representative of Johns Hopkins, I hereby give you notice that you are on private property and may not remain. If you refuse to leave, you are in violation of Maryland law. I am requesting that you now leave this area or facility. Those who do not leave this building immediately are subject to criminal sanctions, including arrest. Johns Hopkins affiliates violating this directive will face disciplinary actions.”

- If applicable, the notice should include an advisement of the provisions of MD Code, Education, § 26-101, Disorderly conduct or obstruction of activities, administration, or classes prohibited.
- If feasible, the trespass notice shall be given three times at five-minute intervals, after which the JHPD officers will remove anyone who refuses to leave the property and process the criminal violation in accordance with JHPD Directive #424, Arrests & Alternatives to Arrest.
- Whenever possible, prior to an officer engaging in targeted enforcement measures, the JHPD Incident Commander should be contacted. The JHPD Incident Commander, in coordination with the Chief of Police or their designee, is to determine the appropriate enforcement measure to utilize when disruptive individuals refuse to disperse or otherwise cease their disruptive behavior after being given a trespass notice or other advisement. Considerations include:
 - o Overcrowding, health, safety, and welfare concerns
 - o Fire code violations
 - o Impact to university or facility operations
 - o Operational hours of a building
- Unless the disruption is creating an immediate health, safety, or welfare concern, and where appropriate and reasonable, the officer should wait to take enforcement action until the JHPD Incident Commander determines the appropriate action.
- If the appropriate action is relocation of the disruptive individuals, the JHPD Incident Commander will coordinate with the appropriate nonpolice Johns Hopkins institutional resources to identify an alternative location where the demonstration or assembly can continue without causing a disruption.

D. Declaring an Assembly or Demonstration Unlawful

- If the JHPD Incident Commander determines that unlawful conduct cannot be controlled through de-escalation techniques, including individualized targeted enforcement, the JHPD Incident Commander, with approval from the Chief of Police or their designee, may declare an entire assembly unlawful and issue a dispersal order and warning if:
 - o There is a widespread threat to public safety or from criminal conduct (e.g., collective violence, destruction of property, collective trespass) or
 - o Dispersal is necessary to maintain community safety, health or welfare.
- Considerations as to whether a dispersal order is the best tactical approach or the least intrusive response shall include:
 - o Whether there is a way to de-escalate the situation.
 - o Whether those engaging in criminal, disruptive, or unlawful behavior can be isolated and dispersed or arrested without requiring all peaceful members of the demonstration or assembly to be dispersed.
 - o Whether the demonstration or assembly can continue in a manner that materially obstructs, impairs, or interferes with an institutional function, operations, or the authorized and permissible use of institutional facilities.
 - o Whether there is an alternative location or time that the assembly or demonstration can be moved to or reconvened so that it can continue in a lawful manner and consist with institutional function, operations, or the authorized and permissible use of institutional facilities.
 - o Whether the dispersal can be coordinated with the resources on hand or whether additional resources are needed.
 - o Whether, based on the totality of the circumstances, the dispersal order will decrease the unlawful activity or, alternatively, intensify the unlawful or disruptive activity.
- NOTE: The decision to declare an assembly unlawful will be rare. It requires clear justification and extensive documentation detailing the facts that led to the decision.
 - o The failure to obtain a permit is not a sufficient basis to declare an assembly or a disruption unlawful.
 - o The fact that some of the persons involved in an assembly or protest have engaged in isolated unlawful acts or have engaged in unlawful acts on prior occasions is not a valid basis for declaring an assembly unlawful.

- The JHPD Incident Commander shall constantly reassess and adjust tactics as the assembly or demonstration changes. For example, if the assembly or demonstration regroups in an allowable place and is no longer unlawful or causing a disruption or civil disturbance, it should be allowed to continue.
- The JHPD Incident Commander shall consider and take reasonable and appropriate steps to ensure the safety of bystanders, legal observers, and members of the media when issuing a dispersal order.
- With the exception of spontaneously occurring events and when practicable, the Incident Commander will consider identifying an area outside the protest or assembly but within viewing distance for members of the media and legal observers to assemble.
 - o NOTE: It is the JHPD's goal to provide members of the media and legal observers as much access as is safely possible in order to assist them in their duties and responsibilities. Nothing in this Directive restricts access by any member of the media or legal observer to such identified areas, and officers shall not take enforcement action solely because members of the media or legal observers do not remain within the identified area.
- The report documenting the reasons for declaring an assembly unlawful will include BWC footage from officers at the scene.

E. Guidelines for Issuing & Enforcing a Dispersal Order & Warnings for Assemblies & Demonstrations

If the JHPD Incident Commander needs to give a dispersal order and warnings to an assembly or demonstration, they shall adhere to the following guidance:

- Give a standardized dispersal order and warnings when warning individuals or crowds who are in violation of the law that they are subject to arrest if they do not disperse.
- Based on the size of the crowd and environmental conditions, communicate all standardized dispersal orders and warnings via a communication device that ensures that members of the group can clearly hear the warnings being issued.
- Video- and audio-record all standardized dispersal orders and warnings via BWC.
- Record the exact date, times, and locations of standardized dispersal orders and warnings given on the Standardized Dispersal Order and Warnings Form.
- Specify adequate egress or escape routes in the announcement. Whenever possible, a minimum of two escape or egress routes shall be identified and announced.

- Unless an immediate risk to public safety exists or significant property damage is occurring, allow sufficient time for a crowd to comply with police commands before action is taken.
- Give dispersal orders in English and other languages that are appropriate for the audience.
- Do not give a dispersal order until officers are in position to support and direct the demonstration or assembly's movements.
- If possible, officers shall direct the members of the event to an alternative campus location where the event can continue and still maintain public safety, health, or welfare.
- Any declaration that an assembly is unlawful and dispersal order must be subsequently documented in writing and follow this Directive.
- Officers shall not substantially surround or enclose persons participating in or observing an assembly or demonstration and prevent them from leaving the area.
- Officers shall only use force that is reasonable, necessary, and proportional to disperse or move an assembly or demonstration, in accordance with JHPD Directive #402, Use of Force.
- If an assembly or demonstration disperses following a dispersal order and warnings and reconvenes at a different location where the participants engage in a lawful assembly or demonstration, no order to disperse shall be issued; if it is established that the assembly at the new location is unlawful, adequate warnings must be rendered.

F. Prohibition Regarding the Use of Authorized Defensive Weapons & Less Lethal/Chemical Munitions

The use of authorized defensive weapons, conducted energy weapons, less lethal munitions, or chemical munitions by any officer to disperse an assembly or demonstration is prohibited.

G. Individualized Arrests:

Unless the disruption is in a health care facility, there is an immediate health, safety, or welfare concern, or it is otherwise not feasible, an officer must obtain JHPD Incident Commander approval, to be documented as soon as practicable, before issuing any citations or making arrests related to a refusal to obey a dispersal or trespass order or related to any assembly or demonstration activities.

- The supervisor also must be present to approve an arrest for refusal to obey a dispersal order during a public protest prior to the arrested person's transport to a holding facility, absent unusual circumstances to be documented as soon as practicable.
- The officer making the arrest shall follow all applicable JHPD directives.

H. Guidance Related to Arrests of Numerous Persons:

The JHPD may not have adequate personnel or facilities to successfully arrest numerous persons. In such case, should the potential for the arrest of numerous persons arise, the JHPD Incident Commander should immediately contact the Chief of Police or their designee and coordinate with the appropriate BPD commanders to have sufficient resources available to handle any arrests of a large number of people, if needed.

- If the Chief of Police or their designee is not available or delay will cause undue harm, the JHPD Incident Commander shall immediately contact the relevant BPD district commander.
- If the JHPD Incident Commander believes that the situation may necessitate arrests of numerous persons, or upon notice that BPD intends to execute arrests of numerous persons, the JHPD Incident Commander shall assist the BPD commander, and if necessary be prepared to: (CALEA 46.1.4.d)
 - o Ensure sufficient arrest teams are assembled, equipped, and staged.
 - o Ensure that equipment includes prepackaged arrest packets including Baltimore Central Booking and Intake Center wrist bands, Charge Information Form, flex cuffs, etc.
 - o Stage enough transportation vehicles for persons who are arrested.
 - o Notify the Baltimore Central Booking and Intake Center to prepare to receive the arrested people.
 - o Identify an alternate facility prepared to accept additional persons who are arrested beyond the capacity of the Baltimore Central Booking and Intake Center.
 - o Assign personnel to process and charging persons who are arrested.
- The JHPD, when confronted with a situation where large numbers of individuals will be arrested for violations of the law, should consider the following issues:
 - o Number of officers
 - o Number of protesters
 - o Seriousness of violations
 - o Demeanor of protesters
 - o Availability of arrest teams and transportation for arrested persons
- NOTE: Where event organizers or individuals participating in the demonstration or assembly indicate either in advance of or during the incident that they want to be symbolically arrested (for something like blocking the roadway) for the purpose of making a political statement, the

JHPD Incident Commander shall ensure that adequate resources are available to handle the arrests and shall adhere to JHPD Directive #424, Arrests & Alternatives to Arrest, in determining appropriate charging.

I. Equipment

Each officer of the JHPD, regardless of rank, will be issued the following equipment maintained in a ready status at all times: (CALEA 46.1.6.e)

- Personal protective equipment (PPE), also referred to as “turtle gear”
- Personal protective respirator, also referred to as a gas mask
- Shield
- Helmet
- NOTE: This equipment is specifically for use when confronted with a significant violent civil disturbance or declaration of emergency and shall not be donned unless approved by the JHPD Incident Commander, with approval from the Chief of Police or Vice President for Public Safety.
- In most incidents, officers shall remain in their normal uniforms and carry their normal equipment when responding to acts of expression protected by the First Amendment, demonstrations, and assemblies. The wearing of PPE is often seen as escalatory in nature and shall only be done when authorized by the Chief of Police.

J. Coordination With BPD: As required by the Memorandum of Understanding between the JHPD and BPD, dated December 2, 2022, in those instances where special events are planned on the campus area, the JHPD will give sufficient notice to the BPD for its situational awareness. Should the potential for an assembly or demonstration for which the JHPD does not have adequate resources arise, or be identified by the JHPD Incident Commander in the planning phase for any demonstration or assembly, the JHPD Incident Commander shall immediately contact the BPD liaison. The JHPD may need to partner with other law enforcement agencies, including BPD, in order to be able to adequately response to significant assemblies and demonstrations.

- In addition, in the IAP or otherwise, the JHPD incident command should prepare for the potential for BPD to respond, and upon their arrival, transfer the incident command from the JHPD to BPD. (CALEA 46.1.3.d)
- If the JHPD Incident Commander determines, in consultation with the Chief of Police or their designee, that the JHPD is underresourced to manage the assembly or demonstration, the JHPD should provide instructions that:
- Until BPD’s arrival, JHPD officers will maintain order and, if necessary to protect public safety or property, arrest persons whom they have individualized probable cause to believe have committed or are committing a crime.

- Upon BPD’s arrival, officers shall aid BPD as instructed by the JHPD Incident Commander.
- JHPD officers will adhere to all applicable JHPD policies, unless directed by the JHPD Incident Commander.
- BPD’s management of the incident will include responsibility for any declaration of an unlawful assembly and dispersal orders.

V. Demobilization (CALEA 46.1.5.c)

- A.** Upon completion of a response to acts of expression protected by the First Amendment, demonstration, or assembly, the JHPD Incident Commander shall:
- Designate an officer to supervise the demobilization process.
 - Ensure that all equipment and personnel are accounted for.
 - Coordinate transportation for the return of personnel and equipment, if necessary.
- B. After-Action Review:** In addition, the JHPD Incident Commander shall conduct and complete an After-Action Review report. (CALEA 46.1.3.i)

VI. Training (CALEA 46.1.12)

- A.** Each officer of the JHPD, regardless of rank, shall:
- Successfully complete a training course on ICS, this Directive, and related Johns Hopkins policies and guidelines, approved by the Director of Training for Johns Hopkins Public Safety.
 - Successfully complete annual training, via PowerDMS, on this Directive and other related trainings as mandated by the Director of Training.
 - When scheduled, participate in joint training exercises with BPD regarding response to acts of expression protected by the First Amendment, assemblies, and demonstrations.
- B.** Evidence of each officer’s training—including the officer’s attendance, dates of training, test scores, or other proof that the officer successfully completed the training—shall be documented by the Public Safety Training Division.

Policy Enforcement

Enforcement	Police Department managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit.

Related Resources

University Policies and Documents
Conduct & Responsibility #106, Fair & Impartial Policing Conduct & Responsibility #110, Observation & Recording of Police Services Operational Procedure #401, De-escalation Operational Procedure #402, Use of Force Operational Procedure #407, Use of Force Reporting, Review & Assessment Operational Procedure #424, Arrests & Alternatives to Arrest Operational Procedure #433, Body-Worn Cameras Operational Procedure #438, In-Car Camera System Operational Procedure #480, Critical Incident Response & Management
External Documentation
Police Department Forms and Systems

Contacts

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