



## Cover Memorandum

### Complaints Against Police Personnel, JHPD Directive #350

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#### **Purpose of the Directive**

The purpose of this Directive is to improve the quality of Johns Hopkins Police Department (JHPD) services, to promote a high level of public confidence and accountability and to enhance and maintain the professional integrity of JHPD and its members. The Policies and Procedures of this Directive are in conformance with the Maryland Police Accountability Act of 2021, specifically the requirements of the Police Accountability and Discipline Act, MD Code, Public Safety, § 3-101 *et seq.*

A clear and formal procedure to receive, document, and investigate all public complaints allows the JHPD to monitor and enforce standards and communicates that behavior deviating from these adopted standards will not be tolerated. With a meaningful and effective procedure for handling public as well as internal complaints, public confidence in the integrity of the JHPD and its members will be achieved and maintained.

#### **Summary of Directive Requirements**

Following best practices in civilian oversight of police departments, this Directive along with JHPD Directive #407, Use of Force Review, Assessment, and Investigation, establishes the Public Safety Accountability Unit (PSAU) within the Johns Hopkins Office of Internal Audits, as an entity independent of Johns Hopkins Public Safety (JHPS) and JHPD, to conduct all investigations related to police misconduct.

In addition, this Directive requires all complaints, including anonymous ones, to be accepted, classified, and investigated by PSAU no matter how the complaint was received or whether it is from an internal or external source. The Directive covers member requirements for how to receive a complaint and prohibits any efforts by members to reject or dissuade a complaint, as well as strict prohibitions for any form of retaliation, interference, or intimidation against a person for making a complaint. Members are required to carry complaint forms and/or complaint cards at all times, and when a person expresses a desire to make a complaint, the member shall call their supervisor to respond to take the complaint. The Directive details supervisor duties for receiving complaints, instances when a supervisor must call PSAU immediately, and outlines PSAU's On-Duty Supervisor or Investigator requirements for responding to such circumstances.

This Directive outlines the specific procedures for PSAU to classify and assign a complaint for investigation, as well as complainant notification requirements and the role of the Victim Rights Advocate. For administrative investigations conducted by PSAU, the Directive requires PSAU to follow its standard operating procedure, references other policies and notifications required by Johns Hopkins University

(JHU), Baltimore City Public Local Law and Maryland law, and summarizes some of the principal steps that all administrative investigations must include.

The Directive includes detailed instructions for investigators to request documents, conduct interviews and interrogations, and for administering line-ups, tests, and polygraphs. It also outlines specific requirements for notifying an accused JHPD officer within 10 days (unless notice jeopardizes the investigation) and specifies what the notice shall contain. The Directive orders accused members to cooperate with administrative investigations. The Directive also lists the various requirements for concluding an investigation, what to include in the investigative report, and the legal requirements for disposition recommendations by the investigator.

The Directive includes specific requirements for the disciplinary process, ensuring that discipline complies with the State of Maryland Uniform Disciplinary Matrix, that the Chief of Police issues the final discipline, and that all procedures align with requirements of the Maryland Police Accountability and Discipline Act, when applicable. The Directive includes instructions regarding the separate discipline processes that exist, depending on whether the complaint is based on misconduct by a police officer involving a member of the public or not.

#### **Blueprint for the Policy Development Process**

The draft JHPD policies (hereinafter referred to as “directives”) shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD’s draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall’s Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police Department. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

**a. Publicly available policies from municipal police departments that have undergone substantial reform efforts**, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;

**b. National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations**, including: the Leadership Conference on Civil

and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts’s “Racially Just Policing: Model Policies for Colleges and Universities”; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.

**c. National and local higher education institutions that are based in comparable environments and make policies publicly available**, including: Carnegie Mellon University; Morgan State University; Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community’s public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



**POLICE DEPARTMENT**

**COMPLAINTS AGAINST  
POLICE PERSONNEL**

**PERSONNEL  
PROCEDURE #350**

Responsible Executive:  
Chief of Police  
Responsible Office:  
Vice President for Public Safety  
Approved by:  
Dr. Branville G. Bard, Jr.  
Issued: [full date]  
Revised: [full date]

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**Policy Statement**

It is the policy of the Johns Hopkins Police Department (JHPD) to openly and readily receive all complaints of misconduct reported by a member of the public and by other members of the JHPD through many different mechanisms, to document all complaints, to properly classify allegations, to monitor the status of all complaints, and to fully, fairly, and effectively investigate complaints of misconduct. Where such a complaint is administratively charged, the officer will be held accountable for their actions via a fair, objective, and consistent system that complies with due process. The policies and procedures of this Directive are in conformance with the Maryland Police Accountability Act of 2021, specifically the requirements of the Police Accountability and Discipline Act, MD Code, Public Safety, § 3-101 *et seq.*

**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

The purpose of this Directive is to improve the quality of JHPD services, to promote a high level of public confidence, and to enhance and maintain the professional integrity of JHPD and its officers. This Directive establishes a formal procedure for JHPD to receive, document, and investigate all complaints about its members, allowing the JHPD to monitor and enforce standards and communicate that behavior deviating from these adopted standards will not be tolerated.

## Definitions

<b>Baltimore City Administrative Charging Committee (BCACC):</b>	Five-person civilian committee mandated by Maryland Police Accountability Act of 2021. The BCACC makes determinations for alleged misconduct involving a member of the public.
<b>Administratively Charged:</b>	An officer has been formally accused of misconduct in an administrative proceeding.
<b>Allegation:</b>	Any assertion of wrongdoing against a member of JHPD.
<b>Civilian Review Board (CRB):</b>	The CRB is a permanent, statutory agency in Baltimore City that processes, investigates, and evaluates complaints lodged by members of the public against police officers, including sworn JHPD officers, alleging abusive language, false arrest, false imprisonment, harassment, or excessive force. For every complaint falling within its jurisdiction, CRB must review the Public Safety Accountability Unit's (PSAU's) investigations into complaints within its jurisdiction and may investigate, simultaneously with PSAU, each complaint it deems appropriate.
<b>Complainant:</b>	Any person who makes a complaint of misconduct or makes a service complaint. A complainant need not be the victim of, or a witness to, the allegations of the complaint.
<b>Complaint:</b>	Any allegation of misconduct committed by any JHPD member that is reported by any person, whether a member of the public (external) or a JHPD member (internal).
<b>Complaint Card:</b>	A card containing information, in both English and Spanish, about how to file a Misconduct Complaint with either JHPD, CRB or Police Accountability Board (PAB) in person, online, or by mail, email, or phone.
<b>Complaint Form:</b>	A form that the public and JHPD employees may use to report misconduct by JHPD employees to the JHPD, CRB, or PAB. JHPD members will accept complaint forms at any JHU facility, or in person at any time.

<b>Disciplinary Suspension:</b>	<p>A penalty is imposed by the Chief of Police or their designee for the violation of any JHPD directives, rules, regulations, policies, or any local, state, or federal laws.</p> <ol style="list-style-type: none"> <li>a) Depending on the circumstances, the suspension may be with or without pay.</li> <li>b) The suspension may include a prohibition against approved secondary employment that requires the off-duty officer to have police authority.</li> <li>c) During the period of the suspension, an officer is not eligible for overtime payments unless approved in advance by the Chief of Police or their designee.</li> <li>d) An officer on suspension is still required to report to court pursuant to a subpoena unless excused by the State's Attorney's Office. Time used by an officer reporting to court shall not be included in the period of suspension.</li> <li>e) Upon completion of the period of suspension, the officer shall be restored to full duty and possess all police powers unless the Chief of Police or their designee directs otherwise.</li> </ol>
<b>Emergency Suspension of Police Powers:</b>	<p>Status imposed by the Chief of Police, or their designee, restricting the officer from making arrests, conducting investigations, and otherwise enforcing the laws of the City or State. This shall involve the retrieval of the officer's service weapon, badge and police credentials, and cancellation of approval to carry a secondary weapon (unless the officer has a Maryland concealed carry permit).</p>
<b>Discipline Review Panel (DRP):</b>	<p>A panel consisting of the Vice President for Public Safety, Vice President and General Counsel (or designee), the Chief Risk Officer (or designee), and a Human Resources representative. The panel will convene regularly to review investigations for determination of findings and recommendations on discipline.</p>
<b>Member:</b>	<p>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.).</p>
<b>Member of the Public</b>	<p>Any person that is not a member of the JHPD or Johns Hopkins Public Safety (JHPS). This includes any member of the community, including affiliates and non-affiliates of Johns Hopkins (JH).</p>
<b>Misconduct:</b>	<p>As defined in MD Code, Public Safety, § 3-101, a pattern, practice, or conduct or failure to act by a sworn JHPD officer that includes but is not limited to: (1) depriving persons of rights protected by the constitution or law of the State of Maryland or the United States; (2) a violation of criminal</p>

	statute; (3) a violation of JHPD standards, directives, or policies.
<b>Officer:</b>	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
<b>Police Accountability and Discipline Act:</b>	Maryland Law that provides certain rights to law enforcement officers who are facing internal investigation.
<b>Police Accountability Board (PAB):</b>	Board that receives complaints, appoints required members of the public to the Administrative Charging Committee (ACC) and Trial Boards, reviews outcomes of disciplinary matters considered by the local ACC, publishes an annual report, holds quarterly meetings with heads of law enforcement agencies, and otherwise works with JHPD, other law enforcement agencies, and Baltimore City government to improve matters of policing.
<b>Preponderance of the Evidence:</b>	To prove that something is more likely so than not so. In other words, a preponderance of the evidence means such evidence which, when considered and compared with the evidence opposed to it, has more convincing force and produces in one's mind a belief that it is more likely true than not true.
<b>Public Safety Accountability Unit (PSAU):</b>	An independent investigative unit of the Office of Hopkins Internal Audits that conducts investigations and assessments of incidents and complaints related to the use of force and misconduct.
<b>Serious Misconduct:</b>	Misconduct that, if sustained, may result in discipline or suspension without pay, demotion, or termination, in accordance with the Statewide Police Disciplinary Matrix.
<b>Service Complaint:</b>	A complaint about a police service (e.g., arrival times, applications of JHPD policies) that does not allege member misconduct.
<b>Technical Infraction:</b>	A minor violation by an officer solely related to the enforcement of administrative rules that: (1) does not involve an interaction between a member of the public and the officer; (2) does not relate to the officers' investigative, enforcement, training, supervision, or reporting responsibilities; and (3) is not otherwise a matter of public concern.

## Policy

Officers of the JHPD shall perform their duties within the boundaries of established contemporary legal and ethical standards. The JHPD establishes and promotes these standards through clear, written policy directives and rules and regulations, and through the thorough and impartial investigation of all allegations of misconduct or complaints regarding the directives of the JHPD. This Directive establishes a meaningful and effective procedure for handling public as

well as internal complaints to ensure public confidence in the integrity of the JHPD and its officers will be achieved and maintained.

## Core Principles

- I. **Trust and Respect**, in order to achieve Constitutional, accountable, effective, and respectful policing, there must be trust between the police and those they serve. The PSAU serves to ensure that JHPD's members abide by the spirit and letter of the laws and policies governing their actions. It is paramount that the police treat all persons with respect, fairness, and dignity.
- II. **Member Accountability**, the JHPD openly and readily receives all complaints reported by the public and JHPD members and fully, fairly, and effectively investigates these complaints. Where such a complaint is sustained against any JHPD member, whether sworn or professional, the member will be held accountable for their actions via a fair, objective, and consistent system that complies with due process.
- III. **Accountability Systems**, through transparent and consistent systems to receive, properly classify, investigate, track and monitor, and adjudicate complaints, JHPD ensures its operations are functioning effectively. As issues arise that point to deficiencies or problems with these systems, JHPD will resolve them to ensure its accountability systems are reliable and trustworthy.

## Procedures

- I. **General Complaint Procedures** (Commission on Accreditation for Law Enforcement Agencies (CALEA) 26.2.1)
  - A. All complaints, including anonymous complaints, received about JHPD member misconduct – whether sworn officers or non-sworn members – shall be accepted, classified, and investigated. This applies regardless of whether the complaint was submitted verbally or in writing, in person, by phone or online; whether submitted by a complainant, someone acting on their behalf, or anonymously; and if the complainant is unable to identify the JHPD member's name or badge number.
  - B. Pursuant to MD Code, Public Safety, § 3-103, a complaint of police misconduct filed with a law enforcement agency shall include: (i) the name of the police officer accused of misconduct; (ii) a description of the facts on which the complaint is based; and (iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up, but do not have to be notarized, so members shall try, at minimum, to obtain this information from complainants or a reporter. However, failure to have all this information does not void the complaint or prohibit the investigation of any complaint. All complaints will be accepted and investigated to the fullest extent possible.



- C. All complaints, whether internal or external, shall be documented by JHPD in writing and electronically stored. The status of all complaints shall be trackable by the complainant.
- D. Complaints made by a JHPD member will be accepted, classified, and investigated in the same way as a complaint made by the public, unless otherwise provided by law or JHPD policy. Complaints initiated by JHPD members that exclusively concern internal employment matters and do not involve an officer interacting with the public as law enforcement will not be forwarded to the CRB or the BCACC. These complaints will still be fully investigated and reported out to the public in PSAU's annual misconduct report.
- E. JHU's Office of Institutional Equity (OIE) will be immediately notified regarding any reports of sexual misconduct, discrimination, or harassment. OIE is the administrative office responsible for the JHU's non-criminal response to reported violations of the Sexual Misconduct Policy and Procedures and the Discrimination and Harassment Policy and Procedures.
  - Forward to OIE the incident report that includes the name of the complainant, respondent, any witnesses, and any other relevant facts, including the date, time, and location of the misconduct.
  - Upon request, provide OIE access to investigative notes and findings as necessary for any OIE investigation.
  - Document that OIE was notified and how they were notified (e.g., by phone or email), as explained below.

## **II. Receiving Complaints**

- A. All complaints will be courteously accepted by any JHPD member.
- B. All JHPD members must respectfully inform an individual of their right to make a complaint if the individual objects to an employee's conduct.
- C. Complaints may be made anonymously. Anonymous complaints will be investigated as fully as any other complaint. (CALEA 26.2.1)
- D. Persons can make complaints of JHPD member misconduct with JHPD (described below), and/or they can make complaints of JHPD member misconduct directly with the PSAU, BCPAB, or with the CRB. In addition, complaints of discrimination, harassment, sexual misconduct or retaliation can be made with the OIE. (CALEA 26.1.3)
- E. When a person makes a complaint with JHPD, the complainant shall receive notification that JHPD has received their complaint. This notification will be made by email, letter, or when no email or physical address is available, by phone. The notification shall include an explanation of JHPD's investigative process. (CALEA 26.3.4)

- F. Officers and supervisors shall activate their body-worn camera (BWC) for the full interaction with a complainant. If the complainant does not wish to be recorded, the officer shall memorialize their request to deactivate the BWC prior to deactivating it. See JHPD Directive #433, Body-Worn Cameras.

### III. **Methods for Making Complaints** (CALEA 26.2.4)

- A. The public and members of JHPD can obtain paper complaint forms from any JHPD supervisor as well as from all Johns Hopkins Public Safety (JHPS) buildings across campus and central hubs, to include all campus libraries.
- Complaint forms will be provided to any person when they request it from a JHPD member. If the person wants to make their complaint online, via email, or by telephone, the member can provide the person with a complaint card which contains information on the various ways to make a complaint with JHPD, the CRB, and the PAB.
  - Anyone can use the complaint form to make a complaint against a JHPD member or use the QR code thereon to make a complaint electronically.
  - Upon completing the complaint form with as much information as the person is able and willing to provide, the person can submit the form through one of the various ways detailed on the form.
- B. A person may speak directly with a JHPD supervisor to make a complaint, whether at a JHPD building or at the scene of an incident. Any person may ask any JHPD member to call for a supervisor in order to make a complaint about a JHPD member.
- C. Complaints can be made online or by email through the following avenues:
- General misconduct:
    - o JHPD's website (<https://publicsafety.jhu.edu/communitysafety/jhpd/>)
    - o PAB's webpage (<https://civilrights.baltimorecity.gov/intake-form>)
    - o CRB's website (<https://civilrights.baltimorecity.gov/civilian-review-board/file>)
    - o Via email (JHPDcomplaints@jh.edu)
  - Complaints of discrimination or harassment and/or related retaliation can be submitted to OIE via phone (410) 516-8075, e-mail ([oie@jhu.edu](mailto:oie@jhu.edu)) or via the online form: [Protected Category Discrimination and Harassment Report | Johns Hopkins University Advocate GME System \(symplicity.com\)](#)
  - Complaints of sexual misconduct and/or related retaliation can be submitted to OIE via phone (410) 516-8075, e-mail ([oie@jhu.edu](mailto:oie@jhu.edu)) or via

online form: [Submit a Sexual Misconduct Report | Johns Hopkins University Advocate GME System \(symplicity.com\)](#)

- D. Complaints to JHPD can be made by phone by calling: *To be determined, (TBD)*
- E. Complaints to JHPD can be mailed via U.S. Postal Service to this address: *TBD*
- F. JHPD also accepts complaints that are made through third party entities, such as local government agencies or representatives, student groups, nonprofit organizations, and/or agencies involved in the criminal justice system, among others.
- G. JHPD also accepts internal complaints made by any JHPD member against another JHPD member. Any JHPD member wishing to make an internal complaint is encouraged to use the complaint form to document the complaint. Members may also report the complaint to their supervisor or directly to PSAU. All internal complaints shall be entered into BlueTeam, in the same way as all other complaints, in order to forward the complaint to the Commander of PSAU.
- H. All discrimination, harassment, sexual misconduct and retaliation complaints can be made through: The Johns Hopkins University, Office of Institutional Equity, Wyman Park Building, Suite 515, 3400 North Charles Street Baltimore, MD 21218, Telephone: (410) 516-8075, TTY: Dial 711, E-mail: [oie@jh.edu](mailto:oie@jh.edu) (26.1.3), or through the above-linked OIE webpages.
- I. The JHPD may initiate a complaint on its own for incidents that come to its attention anonymously, from the media, social media, JHU administration, or any other source.

#### **IV. Complaint Requirements for JHPD Members**

- A. If a person states to a JHPD member that they would like to make a complaint, the member shall:
  - Ask the person if they would like to speak with a supervisor. If the person says yes, call for a supervisor to respond to take the complaint.
  - If the person does not wish to speak with or wait for the supervisor, provide the person with a complaint form or a complaint card that details the many ways the person can make a complaint about a JHPD member (listed above).
    - o NOTE: An officer is not required to delay law enforcement action while awaiting a supervisor, including, where appropriate, issuing a citation or making an arrest.
- B. All complaints shall be accepted.
  - The member taking the complaint shall not require that the person provide any specific information, including personal and/or identifying

information, that the person does not wish to provide. However, pursuant to MD Code, Public Safety, § 3-103, members shall attempt to obtain:

- o (i) the name of the officer accused of misconduct;
  - o (ii) a description of the facts on which the complaint is based; and
  - o (iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
- Members shall seek to provide any accommodation required for the person to effectively make the complaint – e.g., language interpreter or physical accommodation.
- C. All officers shall carry the complaint form and/or complaint card at all times on their person or in their vehicle and shall ensure they are readily accessible.
- D. All officers shall provide their name and badge number in writing upon request to any person.
- E. If a person submits to the member a complaint form that is filled out in part or in whole, the member must accept that complaint.
- F. **Members shall not:** refuse a complaint; discourage a person from making a complaint; interfere with, obstruct, provide misleading information about, or unnecessarily delay a complaint; or say anything to a complainant about potential criminal charges for filing false complaints.
- G. If any JHPD member observes or becomes aware of any potential act of misconduct by another JHPD member, that member SHALL report the incident to a supervisor or directly to PSAU. Failure to report misconduct is considered misconduct and will result in discipline and/or appropriate corrective action.
- H. All JHPD members shall immediately notify their supervisor, and provide written notification of the below circumstances on the same day (or within 24 hours, if on time off), if they are:
- Physically arrested for any violation.
  - Cited for a criminal violation or a minor misdemeanor violation, excluding minor traffic violations.
  - Notified of or receive any operator’s license suspension from the MVA.
  - Are named as the respondent in a protective or peace order.
- I. Any form of retaliation, interference, intimidation, coercion, or adverse action against any person because they want to make a complaint, they report or attempt to report misconduct, or they cooperate with an investigation, is **strictly prohibited**. Retaliatory actions can take many forms, including but not limited to:

- Threats or harassment of the complainant, their family members, neighbors or associates, including but not limited to, increased surveillance or jeopardizing employment or personal safety.
- The malicious filing of a criminal or civil action.
- Any action against a person to dissuade them from making a complaint or cooperating with the investigation.
- Decisions affecting an employee's hiring, promotion, or assignment.

## V. **JHPD Supervisor Requirements Related to Complaints** (CALEA 26.1.4)

A. Upon responding to receive a complaint, the supervisor shall:

- Allow the person to give an account, uninterrupted, of the complaint.
- Immediately render any medical aid, as required.
- Conduct preliminary investigative steps to collect all relevant information and evidence available, to include names and contact information for all complainants and witnesses, names of JHPD officers and other members on the scene at the time of the alleged misconduct, any type of physical evidence such as voluntarily provided video or audio recordings or documentation that such recordings exist, if the witness chooses not to provide the recording and photographs of apparent injuries or the absence thereof. See JHPD Directive #469, Property and Evidence Management.
- Immediately contact the On-Duty PSAU Supervisor or Investigator when:
  - o The alleged misconduct could result in criminal charges, including but not limited to incidents involving assault, DUI/DWI, domestic incidents, or cases where a member is arrested.
  - o The misconduct has the potential to result in an adverse community reaction associated with a breach of the peace, property destruction, or assemblies that may impede the flow of traffic.
  - o The incident involves a use of force.
  - o The incident involves an allegation of bias.
- The supervisor shall supply the person with a complaint form and ask them to complete it with as much information as they are able and willing to provide.
- The supervisor shall review the contents of the form and ask the person about any part that is unclear. The supervisor will not require that a person provides any more information than they are willing to provide.
- If the person requires assistance with filling out the form, the supervisor will prepare the form for the person and will note that they did so on the form.

- If the person does not wish to fill out the form, the supervisor will write the complaint information on a form and will note on the form that the person did not wish to complete the form. This can be accomplished electronically through the online complaint form as well.
  - The supervisor will contact PSAU to obtain a complaint tracking number and will write the number on the completed form. Then the supervisor will give the complainant a copy of the complaint form which contains the tracking number.
- B.** If the complaint amounts to a service complaint that does not allege misconduct, the supervisor will attempt to resolve it by explaining to the person relevant JHPD policies and procedures. Supervisors shall document all such attempts/ on the complaint form. If successful, supervisor shall document the complaint and forward it to PSAU.
- C.** All complaints received by a supervisor shall be forwarded to PSAU, via their chain of command, prior to the end of their tour of duty. To do so, the supervisor shall enter all complaints into BlueTeam.
- The supervisor must attach the complaint form to the BlueTeam entry.
  - In addition, the supervisor shall attach in BlueTeam any other related materials or evidence that they obtained through their preliminary investigative steps (e.g., text messages, photographs, video, etc.).
  - The supervisor shall note in their BlueTeam entry if there are any time-sensitive issues regarding the preservation of evidence that PSAU should be aware of.
  - All forms received by a supervisor shall be forwarded to PSAU.
- D.** When apparent misconduct is reported to a supervisor, even if not done on a complaint form, the supervisor shall immediately document it in BlueTeam to report it to PSAU.
- E.** When a member makes a self-report as described in provision H of the above section, the supervisor shall immediately report this information to PSAU.

## **VI. Complainant's Rights**

- A. Immediate Notification.** Upon assigning any incident with a complainant for investigation, and no later than within 1 day of receipt of the complaint, PSAU shall contact the complainant to confirm receipt of the complaint and to provide the complainant with the assigned detective's name and contact information.
- Unless the complainant indicated otherwise, the preferred method for contacting the complainant is via email address (if the complainant provided one) and cc'ing the assigned detective to the email.

- If the complainant did not provide an email address, then the complainant shall be contacted by phone. In addition, the PSAU shall send a paper letter to the complainant's address. In addition, the PSAU shall:
  - o Notify the complainant at every stage of the process; and
  - o Provide a case summary to the complainant within 30 days after the final disposition of the case. (CALEA 26.3.4)
- Regardless of the method of complainant notification, PSAU shall document the method of contact in the BlueTeam file (include a copy of any email or physical letter sent, and/or include notes on any phone call with the complainant).

**Representative.** Pursuant to MD Code, Public Safety, § 3-109, a complainant may have the assistance of a representative in connection with proceedings, including at any interview.

**B. Education and explanation.** Pursuant to MD Code, Public Safety, § 3-108, the JHPD Victim's Rights Advocate will provide and explain to the complainant the following:

- The misconduct complaint, investigation, BCACC, and trial board processes;
- Any decision to terminate an investigation;
- The BCACC decisions to administratively charge, not administratively charge, unfound or exonerate a complaint;
- Trial board decisions; and
- An opportunity to review a member's statement, if any, prior to concluding the investigation;

**C. Continuous updates and final summary and explanation.** Pursuant to MD Code, Public Safety, § 3-108, the JHPD Victim's Rights Advocate will notify the complainant at every stage of the process; and provide a case summary to the complainant within 30 days after the final disposition of the case. (CALEA 26.3.4)

**D. Online Access to Complaint Status and Procedural Process.** Pursuant to MD Code, Public Safety, § 3-108, JHPD will establish an online database where the complainant can enter the case number and follow the case status as it proceeds through investigation, charging, offer of discipline, trial board, ultimate discipline, and appeal. The database is located at: *TBD*.

**E. Support and attendance at hearings.** The complainant may attend any trial board proceedings and the Victim's Rights Advocate will provide support for the complainant, including transportation to and from those proceedings, if needed.

**F. Note:** In the event that OIE is engaged in a concurrent response to a complaint that involves allegations of discrimination, harassment, sexual misconduct, or

related retaliation, the rights of the Complainant and Respondent in the OIE matter are set forth in the Sexual Misconduct Policy and Procedures and/or the Discrimination and Harassment Policy and Procedures, as applicable. For purposes of the Sexual Misconduct Policy and Procedures and/or the Discrimination and Harassment Policy and Procedure, a complainant is the victim of the alleged conduct, even if it is reported by someone else. A person who reports, but has not experienced misconduct, is considered a reporter.

## **VII. PSAU Supervisor or Investigator Actions**

- A. When the PSAU On-Duty Supervisor or Investigator is contacted for the above-listed serious incidents, they shall:
- Immediately contact the PSAU Commander to alert them of the incident.
  - Respond to the scene to take over the preliminary investigative steps.
  - For incidents involving serious misconduct, ensure that the Chief of Police is immediately notified.
  - For any officer-involved incident that results in death or injuries that are likely to result in the death of a person, ensure that the Maryland Attorney General's Office is alerted immediately.

## **VIII. Classification and Assignment** (CALEA 26.1.4)

- A. Upon receipt of a complaint via BlueTeam, by phone, by email, through the website, via the PAB, the CRB, and/or by any other means, PSAU will have the following duties:
- Review the full complaint and enter it into IAPro.
  - Assess whether, if the complaint was true, the alleged behavior or conduct would constitute a violation of JHPD policy or a legal violation.
  - If the alleged conduct would constitute a violation of JHPD policy or a legal violation, attach all relevant allegations to the complaint based on the information provided. A complaint does not need to specifically name a JHPD policy or legal violation; PSAU shall identify all applicable potential allegations based on the information provided in the complaint.
  - Forward the complaint, along with the identified allegations, to the Chief of Police. (CALEA 26.3.2)
  - Forward all complaints alleging discrimination, harassment, sexual misconduct, or retaliation related to any or all those subjects to the OIE for assessment and/or investigation under their policies and procedures (See OIE's [Sexual Misconduct Policy and Procedures](#) and [Discrimination and Harassment Policy and Procedures](#)).
  - Assign the case to an investigator within 24 hours.



- B. Discretionary suspension of police powers.** Pursuant to MD Code, Public Safety, §3-107(a), if the Chief or their designee determines, on their own or on the recommendation of PSAU, that it is within the best interest of the public during the investigatory, administrative charging committee, and trial board process, for the accused officer to be subject to an emergency suspension of their police powers, with or without pay, the Chief of Police may do so. A suspension without pay shall not exceed 30 days.
- C. Mandatory suspension of police powers.** Pursuant to MD Code, Public Safety, § 3-107 (b), the Chief or their designee, shall emergency suspend the police powers, with or without pay, of an officer who is charged with the following criminal offenses:
- A disqualifying crime, per MD. Code, Public Safety § 5-101;
  - A misdemeanor committed in the performance of duties as a police officer; or
  - A misdemeanor involving dishonesty, fraud, theft, or misrepresentation.
  - An officer who was suspended without pay under this subsection is entitled to receive back pay if the criminal charge or charges against the police officer result in:
    - o (i) a finding of not guilty;
    - o (ii) an acquittal;
    - o (iii) a dismissal; or
    - o (iv) a nolle prosequi.
  - NOTE: Per MD Code, Public Safety, § 3-107, there is no limit of length of time of the emergency suspension related to mandatory suspensions of police powers.
- D.** In some instances, where the allegations are of a minor nature, such as technical infractions, and the allegation(s) do not arise out of a public complaint, the PSAU may send the case back to accused officer's unit command for them to resolve the matter through non-punitive corrective action or the expedited resolution process. See JHPD Directive #351, Non-Punitive Corrective Action and JHPD Directive #352, Expedited Resolution of Minor Misconduct. (CALEA 26.1.4) (CALEA 26.3.1)
- Neither the accused officer's supervisor nor other personnel or commanders at the officer's unit shall investigate police misconduct. All such investigations shall be conducted by PSAU. (CALEA 26.3.1)
  - In all instances where allegations are a result of a public complaint of misconduct, or use of force, the incident shall be investigated by PSAU.

## **IX. Immediate Termination for Criminal Conviction**

Pursuant to MD Code, Public Safety, § 3-108, the Chief of Police shall terminate the employment of a police officer who is convicted of a felony, without any additional procedures, and may terminate, at their discretion, any officer that receives a probation before judgment for a felony; or is convicted of: a misdemeanor committed in the performance of duties as a police officer; a misdemeanor second degree assault; or a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

## **X. Administrative Investigations**

### **A. General Investigation Requirements**

For all conduct that is not subject to immediate termination, the PSAU, or a third-party entity contracted or assigned by PSAU or other law enforcement agency, will initiate and conduct investigations in accordance with this policy for all investigations of allegations of misconduct or alleged/suspected misconduct or violation of JHPD Policy, Directive, Procedure or Order by any sworn officer of the JHPD.

- All complaints of discrimination, harassment, sexual misconduct, and related retaliation will be concurrently handled and addressed by OIE and PSAU. OIE's response to such complaints will adhere to JHU's Sexual Misconduct Policy and Procedures and/or Discrimination and Harassment Policy and Procedures (as applicable), while PSAU will investigate in accordance with the process and procedures set forth herein. PSAU and OIE shall coordinate these responses/investigations as appropriate. (CALEA 26.3.1)
- In addition to any misconduct investigation, for firearms discharge and uses of force PSAU shall also follow the procedures of JHPD Directive #407, Use of Force Review, Assessment & Investigation.
- All disciplinary action related to any member of the JHPD, that is not a sworn officer, as defined by MD Code, Public Safety, § 3-201, will be handled in accordance with JHU's Human Resource Policies. Members of the JHPD that are not sworn officers are not covered by the Maryland Police Accountability and Discipline Act.

**B.** PSAU will notify the Maryland Attorney General's Office of any police-involved incident that results in death or injuries that are likely to result in the death of a person as soon as it becomes aware of the incident. PSAU will coordinate and liaise with the Maryland Attorney General's Independent Investigations Division (IID) and for all use-of-force investigations that they are conducting, in accordance with JHPD Directive #407, Use of Force Review, Assessment & Investigation (CALEA 26.3.1)

**C.** All administrative investigations shall be objective, comprehensive, and timely and shall investigate all allegations of officer misconduct.

**D.** All investigations will include these important requirements, among others:

- Execution of the conflicts of interest form by the investigators
  - Investigations shall be designed to determine the facts
  - All evidence shall be promptly identified, collected, considered, and stored in the investigative file. This includes, among other possible evidence:
    - o Obtaining and reviewing any photographs taken of injuries and/or lack of injuries sustained or alleged to have been sustained by all parties.
    - o Ascertaining if any witnesses have video footage of the incident, and if so, review said footage.
    - o Reviewing and archiving video surveillance recordings.
    - o Obtaining and reviewing all report(s) related to the incident, including any applicable JHPD Use of Force Reports, Supervisory Use of Force Review Reports, incident reports, charging documents, including affidavits of probable cause, and supplemental reports.
  - Taking all reasonable steps to locate and interview all complainants, victims and witnesses at a time and place that is convenient and accessible to the interviewee. This includes canvassing the areas to attempt to locate any potential witnesses.
  - Making all reasonable efforts to identify the accused and involved JHPD members and interviewing them in a timely fashion.
  - Reviewing and evaluating all member activity and evidence of potential misconduct uncovered during the investigation, whether or not it was part of the initial allegations.
  - Considering the member's disciplinary history to identify patterns in behavior, to include cases that were not sustained.
  - Making credibility determinations and making all reasonable efforts to resolve material inconsistencies between member, complainant, and witness statements.
- E.** PSAU shall complete all administrative investigations within 45 days of the initiation of the investigation. Any request for an extension of time must be approved in writing by the PSAU Commander. (CALEA 26.3.3)
- F.** PSAU shall coordinate with the CRB for all cases under the CRB's jurisdiction, as required by the Public Local Laws for Baltimore City, and pursuant to JHPD Directive #354, Civilian Review Board Complaint Procedures.
- G.** When appropriate, PSAU shall notify JHPD supervisors when a member under their supervision is under investigation.
- H. Procedures for Requesting Documents, Photos, and Recordings** (CALEA 26.3.6)

- Investigators shall request that all involved members provide any and all documents, photographs, and audio or visual recordings related to the incident under investigation.
- Investigators shall interview the accused member as well as all JHPD personnel who were present during the incident.
- Investigators shall video and audio record all interviews when possible, and those recordings shall be made part of the investigative file.
  - o If video recording is not available for some extenuating reason, the interview shall be audio recorded and an explanation for the lack of video recording shall be included in the investigative case file.
  - o A complete record shall be kept of each entire interview or interrogation, including all recess periods.
- If a witness is willing to provide an interview, but does not consent to recording, the investigator shall take the interview without recording and document the details in a supplemental report.

**I. Specific Procedures for Interviews & Interrogations**

- Prior to any compelled interview or interrogation, all officers under investigation shall be provided, in writing, using the Garrity Warnings Form.
- If the incident involves potential criminal conduct, consult with Office of Vice President and General Counsel of JHU prior to compelling the interview or interrogation.
- If the conduct involves potential criminal conduct and the officer is willing to provide a voluntary interview, the investigator shall provide *Miranda* Warnings, in accordance with JHPD Directive #461, Custodial Interrogation.
- Each interrogation or interview session shall be for a reasonable period and allow for personal necessities and rest periods as reasonably necessary. The officer may request a break during the interrogation, which may be granted at the discretion of the investigator(s).
- During an interview or interrogation, the investigator shall not ask leading questions, particularly those that suggest a legal justification for the member's conduct.
- Investigators shall not make statements that anyone being interviewed or interrogated could reasonably understand as intended to discourage them from providing a full account.

**J. Specific Procedures for Line-Ups, Testing, and Polygraphs**

- Pursuant to MD, Public Safety, §3-107(d), an investigator may order an officer under investigation to submit to blood alcohol tests, blood, breath,

or urine tests for controlled dangerous substances, polygraph examinations, interrogations, or eyewitness identification procedures that specifically relate to the subject matter of the investigation. (CALEA 26.3.6)

- If the officer is ordered to submit to a test, examination, or interrogation, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the officer.
- If an officer is required to submit to a polygraph examination, the results of the polygraph examination are not admissible or discoverable in a criminal or civil proceeding against the officer.
- If an officer is ordered to submit documents or to a test, examination, or interrogation, it is considered a lawful order, and if the officer refuses to do so, the JHPD may commence an action for insubordination as a result of the refusal, which may lead to a punitive measure.

**K. Employee Notification (CALEA 26.3.5)**

The Investigator should notify an officer that they are the subject of PSAU investigation in writing unless the notice could jeopardize the investigation. In such cases, officers under investigation will not receive notice until immediately prior to their interview or interrogation by PSAU, if one is to be conducted. A copy of the written notification shall be saved in the investigatory file.

- The written notification shall not contain any information that may unnecessarily jeopardize the investigation.
- The notification shall also include notice that, at their own cost, pursuant to MD Code, Public Safety, § 3-109, they may have the assistance of a representative in connection with proceedings, including interviews, interrogations, and testing.

**L. JHPD Member and Supervisor Obligations related to Investigations**

- All members shall cooperate with administrative investigations, including appearing for an administrative interview, testing, and polygraphs when requested by a JHPD, PSAU, or OIE investigator and providing all relevant documents and evidence under the employee's custody and control.
- Supervisors shall be notified when a member under their supervision is summoned as part of an investigation and shall facilitate the member's appearance, absent extraordinary circumstances, documented in writing. (CALEA 26.3.6)
- Supervisors will not discuss or otherwise disclose to officers under the supervision that they are subject to an investigation, such communications should be handled by PSAU.

**M. Concluding an Investigation/ Investigative Report (CALEA 26.3.8)**

At the end of each investigation, investigators shall prepare an investigative report that includes all of the following:

- A narrative description of the incident with a precise description of the evidence justifying or failing to justify the officer's conduct based on facts and circumstances of the incident.
- Documentation of all evidence gathered, including name and contact information for all witnesses, including JHPD member witnesses. If no witnesses were identified, the report shall state this. If the investigator was unable to determine the name or contact information of a witness, they shall state why. They shall also include all information for witnesses who refused to provide a statement.
- Documentation of all JHPD members that were interviewed, and any available transcripts of the interviews.
- The investigator's evaluation of the incident based on the evidence, including their determination of whether the conduct appears to be within policy, regulations and standards of conduct, including the evidence that directly supports the determination.
- Any credibility findings made with precise description of the evidence that supports or detracts from a person's credibility.
- If material inconsistencies were resolved, state the resolution and a specific description of evidence relied upon to resolve the inconsistencies.
- If a weapon was used, include documentation of the officer's certification and training of that weapon.
- Documentation of recommendations for charges, non-punitive corrective action, and/or supplemental or remedial training, and
- For each allegation of misconduct, explicitly identify and recommend one of the following dispositions:
  - o **Unfounded**- where the investigation determines that the allegations of misconduct are not supported by facts.
  - o **Not administratively charged**- where the investigation cannot determine, by a preponderance of the evidence that the misconduct occurred.
  - o **Administratively Charged**- where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur.
  - o **Exonerated**- where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate JHPD policies, procedures, or training.
- For all recommendations of administratively charged, the investigator shall prepare draft charging documents.

- Investigators shall not base disposition recommendations on any of the following reasons:
  - o The complainant seeks to withdraw the complaint or is unavailable, unwilling, or unable to participate. If the complainant is unable or unwilling to provide additional information beyond the initial complaint, the investigator will work to resolve the original allegation(s) where possible based on the available evidence and investigatory procedures.
  - o The complainant pleads or is found guilty of an offense.
  - o The accused officer resigns or retires. In such a case, PSAU will continue to investigate and make a finding, where possible, based on evidence and investigatory procedures available.

## **XI. Disciplinary Process**

### **A. Disciplinary Charges for Misconduct Involving a Member of the Public and an Officer**

- Pursuant to MD Code, Public Safety, § 3-105, upon completing a misconduct investigation involving a member of the public and an officer, regardless of whether the complaint originated from an internal or external source, the PSAU shall forward the case investigative file, including recommendations and/or draft charging documents to the BCACC.
- Prior to forwarding the investigative file to the BCACC, the JHPD Discipline Review Panel (DRP) shall convene to review the investigation recommendations and provide recommended disciplinary findings and/or approve draft charging documents based on JHPD Directive #353, Disciplinary Matrix.
- The recommended disciplinary finding and/or draft charging documents from the DRP shall be forwarded to the BCACC.
- **NOTE: The BCACC is not in any way bound by the DRP's recommendations.**
- Pursuant to MD, Public Safety, § 3-105, the BCACC reviews each investigation and determines if the accused officer will be administratively charged or not administratively charged. If it determines that the officer should be charged, the BCACC will recommend discipline in accordance with the Statewide Police Disciplinary Matrix.
- In addition, under MD Code, Public Safety, § 3-105, the BCACC may review BWC footage, authorize that an officer be called to appear before their committee (the officer may be accompanied by a representative, at their own cost), require additional investigations, and issue subpoenas.

- The PSAU investigator assigned to the investigation shall assist the BCACC and provide all information and material requested.
- Pursuant to MD Code, Public Safety, § 3-105, when the BCACC determines that an officer should be administratively charged, it will issue a written opinion describing in detail its findings, determinations, and recommendations and will forward the written opinion to the Chief of Police, the officer, and the complainant.

**B. Charges for Misconduct Not Involving a Member of the Public**

For all PSAU investigations of misconduct that do not involve a member of the public and an officer, the director of the PSAU will review the investigative report for accuracy and completeness and forward the report to the DRP to recommend whether to administratively charge the JHPD officer.

- The DRP shall convene to review the investigative file in its entirety.
- If the DRP decides that the officer should be administratively charged, the DRP shall prepare draft charging documents and recommend appropriate discipline based on the Statewide Police Disciplinary Matrix.
- The DRP will forward their recommendations and/or draft charging documents to the Chief of Police who will make the final determination as to whether to administratively charge the officer and discipline under the Statewide Police Disciplinary Matrix

**C. Offer of Discipline**

- In accordance with MD Code, Public Safety, § 3-105, within 15 days after the BCACC issues an administrative charge against an officer, (or if not involving a member of the public and an officer, the Chief of Police determines findings and discipline) the Chief of Police shall offer discipline to the officer in accordance with the Directive #353, Police Disciplinary Matrix.
  - o The Chief of Police may offer the same discipline that was recommended by the BCACC or a higher degree of discipline within the applicable range of the disciplinary matrix but may not deviate below the discipline recommended by the BCACC.
  - o If the officer accepts the Chief of Police's offer of discipline, that discipline shall be imposed.
  - o If the officer does not accept the Chief of Police's offer of discipline, then the matter shall be referred to a trial board.

**D. Trial Boards (CALEA 26.1.6)**

If the officer has not accepted the offer of discipline, the trial board process will be established in accordance with MD Code, Public Safety, §3-106, will be



followed. The JHPD and PSAU may use the trial board process of another law enforcement agency if there is mutual agreement.

- Pursuant to MD Code, Public Safety, § 3-105, at least 30 days before trial board proceedings begin, the officer shall be:
  - provided a copy of the investigatory file,
  - notified of the charges against the police officer; and
  - notified of the disciplinary action being recommended.
  
- In accordance with MD Code, Public Safety, § 3-106 the three (3) member trial board shall be composed the following:
  - An actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court appointed by the Mayor of Baltimore City;
  - A member of the public who is not a member of any administrative charging committee appointed by the BCACC; and
  - An officer of equal rank to the officer who is accused of misconduct appointed by the JHPD Chief of Police.
  - A trial board may administer oaths and issue subpoenas as necessary to complete its work.
  
- The JHPD has the burden of proof by a preponderance of the evidence in any proceeding trial board.
  
- The trial board may hear from witnesses and receive evidence in the case from both the JHPD and the accused officer.
  
- Proceedings of a trial board shall be open to the public, under MD, Code, Public Safety § 3-106, except to protect:
  - a victim's identity;
  - the personal privacy of an individual;
  - a child witness;
  - medical records;
  - the identity of a confidential source;
  - an investigative technique or procedure; or
  - the life or physical safety of an individual.
  
- The actively serving or retired administrative law judge or the retired judge shall:
  - Be the chair of the trial board,
  - Be responsible for ruling on all motions before the trial board; and
  - Prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the trial board.
  
- Within 45 days after the final hearing by a trial board, pursuant to MD Code, Public Safety, § 3-106, the trial board shall issue a written decision

reflecting the findings, conclusions, and recommendations of a majority of the trial board. A JHPD police officer may be disciplined only for cause.

- Within 30 days after the date of issuance of a trial board decision, the officer may appeal the decision to the Circuit Court of Baltimore City. A trial board decision is final unless appealed by an officer.

## **XII. Anti-Retaliation**

- A.** Pursuant to MD Code, Public Safety, § 3-110, if an officer discloses information that evidences mismanagement, a waste of government resources, a danger to public health or safety, or a violation of law committed by another law enforcement officer, or whenever an officer lawfully exercises their constitutional rights, that officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against or threatened as a direct result and solely as a result of the disclosure. Such disclosure does not prevent or inhibit discipline related to the disclosing officer's own misconduct.
- B.** Any disclosure of additional misconduct by any officer or witness being interviewed or interrogated, which was not previously known to the PSAU, shall be documented as a complaint in BlueTeam, and classified and investigated in accordance with this Directive.

## **XIII. Director – Public Safety Accountability Unit** (CALEA 26.2.3)

- A.** The Director of the PSAU is responsible for ensuring that the complaint, investigation, and disciplinary process is fair, transparent (within the limitations of the statute), timely, and effective and has the authority to directly report any and all information directly to Chief of Police and the Vice President of Public Safety for **JHU**. The PSAU Commander is ultimately responsible for all operations conducted by the PSAU.
- B.** The PSAU Director shall ensure that upon receipt of a complaint:
- The complaint is reviewed, entered into IAPro, assigned a case number, properly classified, and assigned to an appropriate investigator.
  - Complaints will not be assigned to an investigator where there exists a conflict or potential conflict of interest.
  - The Chief of Police is notified immediately of allegations of misconduct involving members of the public and a JHPD officer.
  - OIE is notified of complaints related to discrimination, harassment, sexual misconduct and/or related retaliation, and PSAU and OIE coordinate to address such complaints concurrently under their respective processes.

- Regular supervisory review and guidance is provided to PSAU investigators on their cases by PSAU supervisors.
- C. Upon completion of the investigation, the PSAU Director shall review the Investigative Report for accuracy and completeness and ensure that the findings are supported by the appropriate standard of proof. In addition, the PSAU Director shall
- Order additional investigation where it appears that there is additional relevant evidence that may bolster the investigation. If additional investigation is ordered, the PSAU Director shall ensure it is documented in writing.
  - Upon approving the investigation, forward it to the relevant committee (either DRP or the BCACC).
  - If the case is charged ensure that the procedures, as promulgated by the Police Accountability and Discipline Act and this Directive, are adhered to promptly.
  - Provide written notification to both the officer under investigation and any complainant(s) of the final disposition of all allegations, including those that may be closed as “exonerated,” or “unfounded.”
  - Retain all complaint forms, records, and completed case files for all internal investigations.
  - Maintain a system capable of tracking the progress of PSAU investigations to ensure they are conducted in a timely and efficient manner.
  - Ensure that completed misconduct investigations are evaluated for policy, training, and tactical or equipment concerns.
  - Ensure any recommendations for addressing those concerns are documented and forwarded to the appropriate unit within JHPD.

#### **XIV. Training**

- A. The Public Safety Training Section shall ensure that all supervisors receive in-service training annually on their obligations when called to the scene to accept a complaint about a JHPD member’s conduct.
- B. The Public Safety Training Section shall ensure that all members receive annual in-service training on their obligations when a member of the public states that they wish to make a complaint.
- C. The Public Safety Training Section shall set up any supplemental or remedial training required as a corrective measure resulting from a misconduct investigation. The Public Safety Training Section shall properly document when

the Public Safety Personnel involved participated in and completed the required training.

- D. PSAU, with the Public Safety Training Section, will provide regular training to PSAU investigators to ensure they maintain knowledge and proficiency on how to conduct an internal administrative investigation of JHPD officers.

**XV. Record Retention** (CALEA 26.2.2)

In accordance with MD Code, Public Safety, § 3-112, all records relating to an administrative or criminal investigation of misconduct by an officer, including administrative investigatory record, a hearing record, and records relating to a disciplinary decision, must be permanently retained in a secure area by PSAU and may not be expunged or destroyed by PSAU.

**XVI. Annual Report** (CALEA 26.2.5)

- A. As part of the JHPD’s annual fiscal year report, required by MD Code, Education, § 24-1208. made publicly available on or before October 1<sup>st</sup> each year, the JHPD shall include the following discipline related information for the previous fiscal year:
- The number, type, and disposition of complaints filed against JHPD police officers;
  - The number and type of individuals who filed complaints, including whether the individual who filed the complaint was a student, a faculty member, a staff member, or an individual unaffiliated with Johns Hopkins (JH);
  - A description of the complaint review process the JHPD uses to review a complaint filed against a JHPD officer;
  - The number of officers disciplined, including the type of discipline administered; and the number of JHPD officer-involved shootings, line-of-duty deaths, and in-custody deaths

## Policy Enforcement

<b>Enforcement</b>	JHPD managers and supervisors are responsible for enforcing this Directive.
<b>Reporting Violations</b>	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit.

## Related Resources

<p><b>University Policies and Documents</b></p> <p>Personnel Procedure #351, Non-Punitive Corrective Action            Personnel Procedure #352, Expedited Resolution of Minor Misconduct            Personnel Procedure #353, Disciplinary Matrix            Personnel Procedure #354, Civilian Review Board Complaint Procedures            Operational Procedure #407, Police Use of Force Review, Assessment &amp; Investigation            Operational Procedure #433, Body-Worn Camera</p> <p><a href="#">Johns Hopkins University Discrimination and Harassment Policy and Procedures (jhu.edu)</a>            The Johns Hopkins University Sexual Misconduct Policy and Procedures (“SMPP”) <a href="#">Policies &amp; Laws (jhu.edu)</a></p>
<p><b>External Documentation</b></p> <p>Police Accountability and Discipline Act, Maryland Annotated Code, Public Safety Article</p>
<p><b>Police Department Forms and Systems</b></p> <p><a href="https://powerdms.com/ui/login">https://powerdms.com/ui/login</a></p>

## Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			