



## Cover Memorandum

### Non-Punitive Corrective Action, JHPD Directive #351

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

The purpose of this Directive is to govern behaviors and actions that are sufficiently technical as to warrant being addressed through non-punitive corrective action (NPCA), which may include such strategies as mentoring, redirection, policy review, remedial training, or other non-punitive actions. Therefore, this policy governs supervision and training approaches to technical infractions and performance deficiencies and does not address discipline or punitive measures. While this policy does not address punitive measures, it does not prohibit the Public Safety Accountability Unit (PSAU) from determining that a specific action or behavior requires a formal disciplinary investigation. If PSAU makes the determination to conduct an investigation, that investigation and possible resulting discipline will be governed by JHPD Directive #350, Complaints against Police Personnel, and JHPD Directive #353, Disciplinary Matrix.

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

This Directive allows supervisors to address a technical infraction or performance deficiency through NPCA when all of these conditions apply: (1) the supervisor believes the NPCA approach will properly address the issue, (2) the supervisor can articulate and document that the issue has minimal negative impact on individuals and JHPD's operations and mission, (3) the technical infraction or performance deficiency is not the subject of a public complaint nor does it involve specifically named behaviors (including workplace discrimination or retaliation, discriminatory policing, retaliation, sexual harassment or misconduct, failure to report misconduct, failure to activate Body Worn Camera (BWC), potential criminal actions, and dishonesty, misuse of authority or conflict of interest), and (4) there are no past sustained violations for the same type of infraction within the prior 12 months.

The Directive provides examples of technical infractions that may qualify for NPCA if the above conditions are met. It also provides examples of different NPCA strategies, such as coaching/mentoring, policy review, redirection, remedial training, and referral to the Early Intervention Program or Employee Assistance Program.

The Directive specifies member requirements for participating in NPCA such as complying with the supervisor's orders to meet for NPCA, to complete the NPCA, and that participation in NPCA ordered by a supervisor is mandatory. The Directive then specifies supervisor requirements, including determining if a subordinate is eligible for NPCA, meeting with the member within seven (7) days of the infraction, determining the appropriate NPCA and logging its completion within seven (7) days, and if NPCA is outsourced (for example, to Public Safety Training) for the supervisor to ensure it has been completed timely and is logged within seven (7) days upon completion. This Directive enumerates the content required for documenting in the NPCA log and that a Lieutenant will review it for appropriateness.

Additional oversight will be provided by PSAU, which will review the logs to confirm NPCA was appropriate and to require a PSAU investigation referral (for both the member and supervisor) if NPCA should not have been applied due to the behavior. PSAU will also refer cases that could be handled by NPCA to a member's supervisor if appropriate and will monitor logs to ensure NPCA is being applied consistently across the JHPD. Per the Directive, newly promoted supervisor training will include content on identifying technical infractions and on how to implement NPCA.

### **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**

**NON-PUNITIVE  
CORRECTIVE ACTION**

**PERSONNEL  
PROCEDURE #351**

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 provide sound supervision through various forms of non-punitive corrective action – including mentoring, redirection, counseling/coaching, policy review, and remedial training – to address performance deficiencies and certain technical infractions.

High-quality non-punitive corrective action provides positive correction to help employees perform at their highest levels, thus better serving the Department and the JHPD community. JPHD recognizes that, for performance deficiencies and/or certain technical infractions of JHPD policies, procedures, or orders, the appropriate response is robust supervisory guidance instead of disciplinary action.

Nothing in this policy releases a supervisor from their obligation to refer observed or alleged violations that do not meet the definition of a technical infraction to the Public Safety Accountability Unit (PSAU) for a formal disciplinary investigation. See JHPD Directive #350 Complaints against Police Personnel.

## Who is Governed by this Policy

All bureaus, sections and their members, including sworn, non-sworn and contractual or voluntary persons in service with JHPD are governed by this Directive.

## Purpose

Non-punitive corrective action (NPCA) refers to the process that JHPD, like any large organization, will use to manage its members and correct performance deficiencies that (a) can and should be addressed in real-time by a member's supervisor, and (b) does not implicate anything related to a JHPD member's interaction with a member of the public. The purpose of this Directive is to recognize the importance of supervisors in addressing personnel issues directly whenever appropriate. Nothing in this Directive or the use of NPCA is designed to or shall be permitted to impede or circumvent the reporting, investigation, and adjudication of officer misconduct. NPCA is not exclusive. Because NPCA is by definition, non-punitive, JHPD members may receive NPCA in addition to discipline and/or early intervention.

## Definitions

<b>Counseling/Coaching</b>	For the purposes of this policy, coaching or mentoring refers to one or multiple interactions between a supervisor and an employee that supports a member in achieving specific personal or professional goals by providing advice, guidance, and/or relevant examples in response to a specific situation. Coaching/mentoring may include activities such as these: accompanying or shadowing the member for a certain amount of time or at a certain frequency to provide in-person performance feedback; reviewing and discussing the member's reports or Body-Worn Camera (BWC) footage along with the member to highlight learning opportunities; or other hands-on activities to mentor or model certain actions or behaviors for the member. Coaching/mentoring can also include discussions or action planning with the member on how to prevent similar behaviors or actions in the future.
<b>Complaint</b>	Any allegation of misconduct committed by any JHPD employee that is reported by any person, whether a member of the public (external) or a JHPD employee (internal).
<b>Member:</b>	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.).
<b>Non-Punitive Corrective Action (NPCA)</b>	Non-punitive corrective action means a remedial component that is utilized to correct technical employee misconduct or to eliminate work performance deficiencies. It is considered positive in nature; therefore, it is not subject to appeal. Non-punitive corrective action consists of coaching/mentoring, redirection, policy review, and/or remedial training. It may also refer to other non-punitive strategies meant to assist the employee in improving their performance or avoiding future technical infractions, such as

	referral to the JHPD Employee Assistance Program. The application of NPCA addresses the technical infraction or performance deficiency with the goal of eliminating repetition of the behavior or action. NPCA is not disciplinary by itself but may progressively lead to discipline.
<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>Policy Review</b>	A type of non-punitive corrective action where a supervisor revisits a policy with the member by talking through the policy's important points, highlights the relevant requirements, and addresses any questions/concerns the member expresses. The supervisor reinforces the member's understanding and/or retention of the policy provisions by asking the member to repeat them back and/or by having the member explain the provisions in their own words.
<b>Redirection</b>	Remedial, oral instruction provided by a supervisor to a subordinate member on an individual basis to address a minor, easily resolvable issue. The purpose of redirection is to immediately resolve the technical issue or problem and remediate the employee's behavior by providing guidance.
<b>Remedial Training</b>	Non-punitive training provided by the supervisor or by the Education and Training Division to specifically address a behavior or action that reveals a deficiency in job skills, knowledge or JHPD procedure. Remedial training is an opportunity to better train and instruct members, and to clarify any issues involving Departmental policies, procedures, or orders which may not have been clear to the member. Training involves actively engaging with the content, whether enacting or practicing certain skills, discussing relevant scenarios, or watching and reacting to relevant case studies or BWC footage.
<b>Technical Infraction</b>	Pursuant to MD Code, General Provisions, means a technical rule violation by an individual solely related to the enforcement of administrative rules that: <ul style="list-style-type: none"> <li>(1) does not involve an interaction between a member of the public and the individual;</li> <li>(2) does not relate to the individual's investigative, enforcement, training, supervision, or reporting responsibilities; and</li> <li>(3) is not otherwise a matter of public concern.</li> </ul>

## Core Principles

- I. Member Accountability:** The JHPD may employ non-punitive correction action to address certain technical infractions or deficiencies of a member based on conduct that is not the subject of a public complaint. When a deficiency or infraction does not qualify for NPCA, per this policy, it is referred to the formal discipline system to

ensure a full, fair and effective investigation is conducted, and that members are held accountable via a fair, objective, and consistent system that complies with due process.

**II. Accountability Systems:** NPCA is part of the larger accountability system created and managed by JHPD and other Johns Hopkins University (JHU) and Baltimore City entities to ensure transparency and consistency in holding members accountable for their actions and to ensure that JHPD's 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** (Commission on Accreditation for Law Enforcement Agencies (CALEA) 26.1.5.)

- A.** Supervisors who observe or learn about a technical infraction or performance deficiency by a subordinate may choose to address the behavior, deficiency, or action through NPCA **only when all the following conditions apply:**
- The supervisor believes that an NPCA approach will properly address the adverse behavior or action or performance deficiency,
  - The supervisor can articulate and document that the technical infraction or performance deficiency has minimal negative impact on any individuals or on the JHPD's operations or mission,
  - The technical infraction or performance deficiency that does not involve a member of the public, nor does it fall within any of these categories, which are explicitly excluded from being treated as technical infractions:
    - o Any action or behavior that is the subject of a claim of workplace discrimination or retaliation,
    - o Any use of force,
    - o Any form or claim of discriminatory or bias based policing,
    - o Retaliation in any form,
    - o Sexual harassment, sexual misconduct,
    - o Failure to report misconduct,
    - o Failure to activate BWC when required,
    - o Any potential criminal violation, or
    - o Any violation involving dishonesty, misuse of authority, or a conflict of interest.
  - The member's past disciplinary record includes no previous complaints, violations, or infractions of the same type within the prior twelve months.
  - NOTE: Examples of technical infractions or performance deficiencies that may be appropriate for NPCA are below. This list is not exhaustive. As stated above, NPCA is only appropriate if the technical infraction or

performance deficiency has minimal impact on other individuals or on JHPD's operations or mission.

- o Lateness for duty
- o Report writing
- o Communication skills
- o Time and resource management
- o Uniform and appearance
- o Improper inspection or care of vehicle or equipment
- o Loss of agency property
- o Technical reporting deficiencies or timeliness delay that do not impact the outcome of a case or incident
- o Traffic or parking infractions

- B.** These technical infractions may also lead to Early Intervention or discipline, pursuant to JHPD Directives #350, Complaints Against Personnel or #355, Early Intervention Program (EIP). If NPCA is taken and member's performance does not change subsequent deficient behavior should result in one or more of these processes being pursued by the supervisor.
- C.** For any infractions that involve a member of the public, the supervisor shall immediately refer the incident to PSAU for a formal investigation.
- D.** NPCA refers to various strategies (as defined above) that can include any of the following non-punitive approaches to improve performance:
- Counseling/Coaching
  - Policy Review
  - Redirection
  - Remedial Training
  - Referral to JHPD's EIP or Employee Assistance Program (EAP)
- E.** Supervisor may employ more than one of the above strategies to address a performance deficiency or technical infraction or may utilize other corrective action strategies besides those listed above. Supervisors shall document, as explained below, all specific NPCA strategies or actions that they take and the reason they took such action in the member's personnel file.

## **II. Member: Participating in NPCA**

- A.** Participate in and comply with instructions by the supervisor implementing the NPCA. Remember that NPCA is non-punitive and benefits members and JHPD by quickly addressing technical infractions or deficiencies and allowing for learning, capacity-building, and skill-building.
- B.** Comply with the supervisor's order to make time to meet with them for NPCA.



- C. Complete and/or follow up on any directives given by the supervisor to fulfill the NPCA.
- D. Participation in NPCA ordered by a supervisor is mandatory. If a member refuses to participate, they will be referred to PSAU for insubordination. If a member refutes the allegation that led to the NPCA, the member may write a report to explain their refutation.
- E. Prevent future issues by applying what was learned during NPCA. If you continue to have questions or concerns, discuss them with your supervisor.

### **III. Supervisor: Taking NPCA**

- A. Upon observing or learning of a technical infraction or performance deficiency eligible for NPCA, screen to determine whether NPCA is the most appropriate strategy for addressing the action or behavior and preventing its reoccurrence.
  - If it is the second or more similar technical infraction or performance deficiency committed by the member within the prior twelve-month period, or if the supervisor believes that NPCA will not effectively address the behavior or action, refer the incident to the PSAU for formal investigation and to the Director of Human Resources for public Safety for the Early Intervention Program (EIP) and document any previous NPCA taken to address the problem and/or why the supervisor does not believe NPCA would be appropriate.
  - If the supervisor decides to take NPCA, the supervisor shall meet with the member to specifically address the concern within 7 calendar days.
  - NOTE: Sometimes it may be appropriate for the supervisor to immediately address the technical infraction or performance deficiency with redirection or another strategy.
- B. When implementing the NPCA, the supervisor should instruct the member on how to avoid repeating the same technical infraction or performance deficiency in the future and inform the accused employee that repetition of the technical infraction or performance deficiency may result in disciplinary action in the future. The supervisor shall inform the member that a record of the NPCA will be entered into the personnel file.
- C. The supervisor shall log the NPCA steps taken and their completion in the personnel file within the 7-day time frame.
  - If the NPCA is being completed by another entity, such as E&T, the supervisor must log the NPCA completion within 7 days of being notified of its completion by the entity. The supervisor shall follow-up and ensure that any NPCA methods outsourced to other JHPD units, such as E&T for remedial training, are completed and documented in a timely manner.

- D. Members cannot refuse to participate in NPCA. If a member does not wish to participate, the supervisor will order their participation. If a member does not participate, the supervisor shall refer them to PSAU for insubordination.
- E. A member who wishes to refute the alleged technical infraction or performance deficiency may do so. If such a refutation report is received, the supervisor must attach the report to the personnel file entry and refer the matter to the Director of Human Resources for Public Safety, who shall decide what if any action to take regarding the NPCA.
- F. If the supervisor is unsure whether an infraction or deficiency is in fact permitted to be addressed through NPCA, the supervisor shall consult with their supervisor, the Director of Human Resources for Public Safety, and/or PSAU to confirm whether NPCA is an appropriate or allowable response.

#### **IV. Supervisory Logging and Review of NPCA**

- A. Supervisors who have employed NPCA with a subordinate member shall log the below information in the personnel file within 7 calendar days of the observed or reported technical infraction or performance deficiency:
  - The infraction or deficiency committed by the member,
  - The date and time of the technical infraction or performance deficiency,
  - The NPCA(s) taken,
  - Notes or narrative about the NPCA implementation for future reference.
- B. The member's Lieutenant (or Commander, if appropriate) shall review the personnel file log within 7 days of the NPCA entry for all members of their command to accept or reject the supervisory response.
- C. If NPCA was appropriately applied, the Lieutenant (or Commander, where applicable) shall forward the personnel file log entry to PSAU for review.
- D. If the supervisor did not properly apply the NPCA, the Lieutenant (or Commander, where applicable) shall address the areas of concern directly with the supervisor through corrective action strategies. If misconduct occurred, refer to PSAU.

#### **V. Oversight of NPCA by PSAU**

- A. Review personnel file to ensure that technical infractions or performance deficiencies:
  - Were properly identified as NPCA-eligible, and
  - To confirm that the NPCA strategy taken by the supervisor was appropriate and properly applied.

- B. If PSAU deems that either the matter should have been referred to PSAU for formal investigation or that the supervisor minimized the behavior or action in order to address it through NPCA, PSAU will initiate a complaint for the member's infraction and handle pursuant to JHPD Directive #350, Complaints Against Personnel.
- C. If PSAU receives BlueTeam referrals that could be handled by NPCA, PSAU will refer the matter to the member's supervisor unless conditions indicate that NPCA would not be appropriate for the specific case.
- D. PSAU will monitor the Supervisor Feedback Log to assess whether NPCAs are being applied in a consistent manner across districts and units.

## VI. Training

Training for newly promoted supervisors shall include content on how supervisors shall identify technical infractions and performance deficiencies that are eligible for NPCA and how to implement NPCA strategies as detailed in this policy.

## Policy Enforcement

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

## Related Resources

<b>University Policies and Documents</b>
Conduct & Responsibility #108, Fair and Impartial Policing Personnel Procedure #350, Complaints against JHPD Personnel Personnel Procedure #352, Expedited Resolution of Minor Violations Administrative Procedure #355, Early Intervention Program Operations Procedure #433, Body-Worn Cameras
<b>External Documentation</b>
<b>Police Department Forms and Systems</b>

<https://powerdms.com/ui/login>

## Contacts

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

DRAFT