Cover Memorandum

Disciplinary Matrix, JHPD Directive #353

Purpose of the Directive
The purpose of this Directive is to comply with the requirement of the Maryland Police Accountability Act of 2021 (MD Code, Public Safety, § 3-105). All Maryland police departments, including the Johns Hopkins Police Department (JHPD), must adopt the Maryland Statewide Model Disciplinary Matrix as prescribed in the statute.

Summary of Directive Requirements
The Maryland Statewide Model Disciplinary Matrix is the required framework through which all matters of discipline will be imposed as a result of a sustained disposition from an administrative investigation into an officer's misconduct.

The Maryland Statewide Model Disciplinary Matrix includes a breakdown of six different categories of violations, labeled A through F, with A as the lowest level of discipline and F as the highest. Each category is defined and includes example violations. Each category includes three penalty levels, which are based on the number of similar violations in a specified period of time. A disciplinary range is then used for assessing the recommended discipline.

Based on aggravating and/or mitigating factors, the disciplinary range may increase or decrease upon review of the totality of the circumstances surrounding the sustained violation. The disciplinary range in the matrix progresses from formal counseling to termination.

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

PERSONNEL PROCEDURE #353

DISCIPLINARY MATRIX

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

In conformance with the Maryland Police Accountability Act of 2021, and required by MD Code, Public Safety, § 3-105, the Johns Hopkins Police Department (JHPD) has adopted the Maryland Statewide Model Disciplinary Matrix (Disciplinary Matrix) as described in this Directive. The Statewide Model Disciplinary Matrix is the required framework through which all matters of discipline will be imposed as a result of a sustained disposition from an administrative investigation into an officer's misconduct.

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 adopt the Disciplinary Matrix to apply disciplinary standards in a fair and equitable manner statewide.

Definitions

Aggravating Factors:	Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Matrix below. Examples of aggravating factors include, but are not limited to, the following: • The officer's prior disciplinary history • The officer's prior negative work history, including non-disciplinary corrective action • The officer's rank • The violation was committed willfully or for personal gain • The officer's efforts to conceal the violation, or to be untruthful or dishonest • The officer's failure to cooperate with the investigation into the alleged misconduct • The extent to which the violation was retaliatory in nature • The extent to which the violation or behavior was motivated by bias against a member or group of a protected class under the State's hate crimes law (MD Code, Public Safety §10-304). • The officer's expressed unwillingness to comply with policy, tactics, or performance standards • The impact of the violation on the community or the department's ability to carry out its mission • The degree to which the violation caused or could have caused the loss of life or injury, and • The degree to which the violation caused loss or damage to public or private property. **Note:** Some aggravating factors may in themselves constitute additional violations of policy associated with separate, higher ranges of discipline. For example, "efforts to conceal" even a minor violation may themselves constitute separate ethics/honesty violations subject to a higher range of discipline (e.g., lying or destroying/falsifying evidence to conceal a minor violation).
Disciplinary Matrix:	A written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct, as defined in MD Code, Public Safety, §3-101.
Formal Written Counseling (FWC):	A form of counseling given to employees who have violated an agency's policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of the same or similar conduct may result in more severe discipline. A copy of the formal written counseling shall be placed in the officer's disciplinary file.

Letter of Reprimand (LOR):	A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of the same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.
Loss of Leave (LOL):	Removal of leave from the officer's accrued leave total (vacation, personal). Loss of leave shall be determined in hours.
Loss of Pay (LOP):	Suspension from duty without pay.
Mediation:	A process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a minor dispute or conflict.
Member:	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
Mitigating Factors:	Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to, the following: • The officer's actions are attributable to selfless concern for the well-being of others • The officer's lack of disciplinary history • The officer's complimentary work history • The officer's prior positive work history • The violation was the inadvertent result of reasonable, otherwise compliant performance • The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable • The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline) • Unusually serious workplace tensions / stressors, and • The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Penalty Days:	The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. The Baltimore City Administrative Charging Committee (BCACC) and/or Chief of Police shall define a "day" as a specified number of hours depending on the officer's schedule and/or unit within the agency.
Police Misconduct:	As defined in MD Code, Public Safety, § 3-101, a pattern, practice, 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 statute, (3) a violation of JHPD standards, directives, or policies.
Remedial Training:	Training that is designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge, ability expected and/or required of them, or have otherwise demonstrated a need for additional training.

Policy

In order to protect the collective integrity of the JHPD, all matters that may result in discipline shall be imposed pursuant to the Disciplinary Matrix as responsive measures to an officer's sustained violation of an agency's policy or other police misconduct. Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline.

Procedures

I. **General** (Commission on Accreditation for Law Enforcement Agencies (CALEA)26.1.4, 26.1.5)

Discipline is imposed for first violations and may follow a progressive course for repeat or increasingly serious offenses. This Disciplinary Matrix, and the imposition of discipline, shall not be based on the member's race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationships. Furthermore, the imposition of discipline shall not be influenced by the high- or low-profile nature of the incident.

A. The Maryland Statewide Model Disciplinary Matrix, which is available at https://mdle.net/pdf/Commission_Approved_Uniform_Disciplinary_Matrix.pdf, includes a breakdown of six different categories of violations, labeled A through F, with A as the lowest level of discipline and F as the highest. Each category is defined and includes examples of violations. Three penalty levels are included in each category, the penalty levels are based on the number of similar violations in a specified period of time. A disciplinary range is then used for assessing the recommended discipline. Based on aggravating and/or mitigating factors, the disciplinary range can increase or decrease upon review of the totality of the circumstances surrounding the sustained violation.

B. **Penalty Levels**

- **Level One** – Penalty level for a first offense violation.
- **Level Two** – Penalty level for a second offense of similar conduct.
- **Level Three** – Penalty level for a third offense or more of similar conduct.

C. **Violation Categories**

- The Matrix includes six (6) categories.

- Each offense is categorized by a letter (A-F) that represents the severity of the offenses in that category. Category A is the lowest level of discipline and Category F is the highest level.

- Each category is defined along with a list of example misconduct violations that fit into that category.

D. **Special Circumstance Categories -** Special circumstance categories are specific violations with their own disciplinary ranges.

E. **Multiple Violation Adjustments**

- Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline.

- However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline.

- The most serious offense is used as a starting point within a violation category.

- The other offenses determine whether and how much to increase the discipline within the selected violation category.

F. **Prior Disciplinary Record - Same Category**

- The Matrix incorporates an officer's prior sustained disciplinary record in determining discipline for a new violation.

- In each category, there are three penalty levels based on the number of misconduct violations within a specified period of time.

- Three or more sustained violations in the same category and specified time period will progress to the next highest offense category noted in the Matrix.

G. **Determining Discipline**

- In determining discipline, there must first be an agency policy or directive violation or other police misconduct.

- Once a violation has been identified, review the violation examples found in the Matrix and select the appropriate offense category.

- If the specific policy/procedure violation is not listed, review the violation category definition, along with similar example violations, and select the most appropriate category.

- Next, determine if the offense is a first offense or repeat offense and

select the appropriate level.

- The disciplinary section is located to the right of the category definition and level.

- Each chart includes an acceptable disciplinary range for applicable violations. In addition to the severity of the conduct, mitigating or aggravating factors should be considered prior to making a final determination of discipline.

- The range of discipline includes formal written counseling (least severe), reprimands, penalty days, and termination (most severe).

H. Additional Corrective Measures

- Notwithstanding the penalties in the Matrix, an officer may be referred to counseling, an employee assistance program, training, restitution and/or a demotion. Demotions can be considered for Category D and E violations.

- Additionally, suspension or removal from secondary employment are also options for an ACC to consider.

- These options may also be imposed by police management, independent of the ACC, consistent with management rights and/or agency policy.

I. Violations that Fall into Multiple Violation Categories

- Some violations can fall into multiple categories, depending on the severity of the violation.

- For example, penalties for body-worn camera related violations, insubordination, and harassment may carry more or less severe penalties, depending on which category most accurately fits the officers' actions.

II. <u>Advisements</u>

A. All ACCs and police agencies may only deviate from the use of the Matrix when required to do so by court order, consent decree, or any other superseding legal authority. The Matrix does not impact police management rights to maintain the order and manage the affairs of an agency in all aspects including, but not limited to, establishing standards of service, transferring, or assigning employees, establishing standards for performance and conduct, and maintaining control and regulation of the use of government equipment and/or property.

B. Police agencies that operate a formal mediation program are not impacted by this process since it occurs prior to an investigation and is mutually agreed to by both the complainant and officer.

Policy Enforcement

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

Related Resources

University Policies and Documents
Personnel Procedure #350, Complaints against Police Personnel Personnel Procedure #351, Non-Punitive Corrective Action Personnel Procedure #352, Expedited Resolution of Minor Misconduct
External Documentation
Maryland Statewide Model Disciplinary Matrix: https://mdle.net/pdf/Commission_Approved_Uniform_Disciplinary_Matrix.pdf
Police Department Forms and Systems
https://powerdms.com/ui/login

Contacts

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