



POLICE DEPARTMENT

**NONPUNITIVE
CORRECTIVE ACTION**

**PERSONNEL
PROCEDURE #351**

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

It is the policy of the Johns Hopkins Police Department (JHPD) to provide sound supervision through various forms of nonpunitive corrective action (NPCA)—including mentoring, redirection, counseling/coaching, policy review, and remedial training—to address performance deficiencies and certain technical infractions.

High-quality NPCA provides positive correction to help employees perform at their highest levels, thus better serving the JHPD and the 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, nonsworn, and contractual or voluntary persons in service with the JHPD, are governed by this Directive.

Purpose

NPCA refers to the process that the 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) do 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, nonpunitive, JHPD members may receive NPCA in addition to discipline and/or early intervention.

Definitions

Coaching/Mentoring:	For the purposes of this Directive, coaching or mentoring refers to one or multiple interactions between a supervisor and an employee that support 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 with the member to highlight learning opportunities; or engaging in 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 adverse behaviors or actions in the future.
Complaint:	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).
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.).
Nonpunitive Corrective Action (NPCA):	Nonpunitive 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. NPCA consists of coaching/mentoring, redirection, policy review, and/or remedial training. It may also refer to other nonpunitive 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.
Officer:	All sworn police officers, at any rank, as defined by MD Code,

	Public Safety, § 3-201, in service with the JHPD.
Public Safety Accountability Unit (PSAU):	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.
Policy Review:	A type of NPCA 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.
Redirection:	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.
Remedial Training:	Nonpunitive training provided by the supervisor or by the Public Safety Training Section 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 that 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.
Technical Infraction:	Pursuant to MD Code, General Provisions, technical infraction means a technical rule violation by an individual solely related to the enforcement of administrative rules that: <ul style="list-style-type: none"> (1) does not involve an interaction between a member of the public and the individual; (2) does not relate to the individual's investigative, enforcement, training, supervision, or reporting responsibilities; and (3) is not otherwise a matter of public concern.

Core Principles

- I. **Member Accountability:** The JHPD may employ NPCA 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 the JHPD and other Johns Hopkins and Baltimore City entities

to ensure transparency and consistency in holding members accountable for their actions and to ensure that the JHPD's operations are functioning effectively. As issues arise that point to deficiencies or problems with these systems, the 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 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:
 - Any action or behavior that is the subject of a claim of workplace discrimination or retaliation,
 - Any use of force,
 - Any form or claim of discriminatory or bias-based policing,
 - Retaliation in any form,
 - Sexual harassment or sexual misconduct,
 - Failure to report misconduct,
 - Failure to activate BWC when required,
 - Any potential criminal violation, or
 - 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 12 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 the JHPD's operations or mission.
 - Lateness for duty
 - Report writing

- Communication skills
 - Time and resource management
 - Uniform and appearance
 - Improper inspection or care of vehicle or equipment
 - Loss of agency property
 - Technical reporting deficiencies or timeliness delays that do not impact the outcome of a case or incident
 - Traffic or parking infractions
- B.** These technical infractions may also lead to early intervention or discipline, pursuant to JHPD Directives #350, Complaints Against Police Personnel, and #355, Early Intervention Program (EIP). If NPCA is taken and the 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 nonpunitive approaches to improve performance:
- Counseling/coaching
 - Policy review
 - Redirection
 - Remedial training
 - Referral to JHPD's EIP or Employee Assistance Program
- E.** Supervisors 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 nonpunitive and benefits members and the 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. Members should prevent future issues by applying what was learned during NPCA. If a member continues to have questions or concerns, they should discuss them with their 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 12-month period, or if the supervisor believes that NPCA will not effectively address the behavior or action, refer the incident to PSAU for formal investigation and to the Director of Human Resources for Public Safety for the 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 seven 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 seven-day time frame.
 - If the NPCA is being completed by another entity, such as the Education and Training Division (E&T), the supervisor must log the NPCA completion within seven 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 & Review of NPCA

- A. Supervisors who have employed NPCA with a subordinate member shall log the below information in the personnel file within seven 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 seven 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 Police Personnel.

- C. If PSAU receives complaint management system 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

Enforcement	JHPD managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to PSAU.

Related Resources

University Policies and Documents
Conduct & Responsibility #106, Fair & Impartial Policing Personnel Procedure #350, Complaints Against Police Personnel Personnel Procedure #352, Expedited Resolution of Minor Violations Personnel Procedure #355, Early Intervention Program Operational Procedure #433, Body-Worn Cameras
External Documentation
Police Department Forms and Systems
https://powerdms.com/ui/login

Contacts

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