



Policy 211

Subject NON-DISCIPLINARY CORRECTIVE ACTION	
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By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to provide sound supervision through various forms of non-disciplinary corrective action, referred to as Coaching, to address certain Minor Infractions. High-quality Coaching will help employees to perform at their highest levels, thus better serving the Department and the Baltimore community as a whole. BPD recognizes that, for certain Minor Infractions of BPD policies, procedures, or orders, the appropriate response is robust supervisory guidance instead of disciplinary action.

This policy governs behaviors and actions that are sufficiently minor as to warrant being addressed through non-disciplinary corrective action (NDCA) or Coaching, which may include such strategies as mentoring, policy review, redirection, remedial training, or other non-punitive actions. Therefore, **this policy governs supervision and training approaches to Minor Infractions, and does not address discipline or punitive measures.** While this policy does not address punitive measures, it does not prohibit the Public Integrity Bureau (PIB) from determining that a specific action or behavior requires a formal disciplinary investigation. In the event that PIB makes the determination to conduct a disciplinary investigation, that investigation and possible resulting discipline will be governed by Policy 308, *General Disciplinary Process* and the PIB Internal Operations and Training Manual.

Lastly, nothing in this policy releases a supervisor from their obligation to refer observed or alleged violations that do not meet the definition of a Minor Infraction to PIB for a formal disciplinary investigation.

DEFINITIONS

Coaching – For the purposes of this policy, Coaching refers to a wide array of non-disciplinary corrective action strategies that may be used by supervisors to address Minor Infractions, per the criteria outlined in #1 below. Coaching may include, but is not limited to, approaches such as mentoring, policy review, redirection, and remedial training, as described in #5 below.

Minor Infraction – A behavior or action that does not fully comply with a Departmental policy, procedure, or order which has **minimal impact** on other individuals or on BPD's operations or mission. Examples of such actions or behaviors include:

- Actions made in error but that the member reasonably believed were either complying with policy or that they were acting in the best interest of the individual being served or in the spirit of BPD's mission, vision or values;
- Deficient performance of an action or duty that had minimal impact on any individuals or BPD operations, or
- Unavoidable infractions having minimal impact.

This definition **does not include any action or behavior that is the subject of a public complaint or involves a member of the public.** It also **does not include any action or behavior that is the subject**

of a claim of workplace discrimination or retaliation or an actual or suspected violation of Policy 1701, *Equal Employment Opportunity and Diversity*, nor to any allegation of:

- Discriminatory policing in violation of Policy 317, *Fair & Impartial Policing*;
- Retaliation in violation of Policy 1729, *Anti-Retaliation*;
- Sexual harassment, sexual misconduct or other violations of Policy 1701, *Equal Employment Opportunity and Diversity* and Policy 322, *Member-Involved Sexual Misconduct*;
- Failure to report misconduct (Policy 302, *Rules and Regulations* and Policy 1729, *Anti-Retaliation*);
- Failure to activate BWC when required (Policy 824, *Body-Worn Camera*);
- Any potential criminal violation; or
- Any violation involving dishonesty, misuse of authority, or a conflict of interest.

A BPD supervisor must reasonably believe that the Minor Infraction can be corrected through non-disciplinary corrective action (NDCA) in order to prevent it from reoccurring. The third similar Minor Infraction conducted within a twelve-month period (based on the date of the observed infraction) shall be referred to PIB for a formal disciplinary investigation and the imposition of discipline, if sustained.

Supervisor Feedback Log (SFL) – A web-based application utilized by Department supervisors to document close and effective supervision actions such as mentoring, redirection, policy review, remedial training, and other support for Minor Infractions as well as praise for exemplary job performance. SFL is available to supervisors in TBD location.

DIRECTIVES

1. Permanent-rank supervisors who observe or learn about a Minor Infraction by a subordinate may choose to address the behavior or action through NDCA **only when all of the following conditions apply:**
 - 1.1. The supervisor believes that an NDCA approach will properly address the adverse behavior or action,
 - 1.2. The supervisor can articulate and document that the Minor Infraction has minimal negative impact on any individuals or on the BPD's operations or mission, and
 - 1.3. The Minor Infraction is not the subject of a public complaint, does not involve a member of the public, nor does it fall within any of the other excluded categories listed in the definition of Minor Infraction above.

NOTE: Examples of Minor Infractions that may be appropriate for NDCA are below. This list is not exhaustive. As stated above, **NDCA is only appropriate if the Minor Infraction has minimal impact** on other individuals or on BPD's operations or mission.

- Lateness for duty
- Uniform and appearance
- Inappropriate comments/gestures not involving the public, nor in violation of EEO policies
- Improper inspection of vehicle or equipment
- Discourtesy not involving the public.

2. This policy does not apply to misconduct for which the Disciplinary Matrix requires the imposition of discipline. Therefore, permanent-rank supervisors shall refer any case in which the Disciplinary

Matrix requires the imposition of discipline to PIB via BlueTeam for a formal disciplinary investigation. See Policy 308, *General Disciplinary Process* and the Disciplinary Matrix.

3. If a Minor Infraction is the subject of a public complaint, it must be immediately referred to PIB for inclusion in the formal disciplinary investigation.
4. Permanent-rank supervisors must record all NDCA taken to address Minor Infractions in the Supervisor Feedback Log (see points #14-16 below).
5. NDCA is Coaching that can include any of the following non-disciplinary approaches to improve performance:
 - 5.1. Mentoring – 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. 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 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. Mentoring can also include discussions or action planning with the member on how to prevent similar behaviors or actions in the future.
 - 5.2. Policy Review – Revisiting a policy with the member by talking through the policy's important points, highlighting the relevant policy requirements and addressing 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.
 - 5.3. 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 minor issue or problem and remediate the individual's behavior by providing guidance.
 - 5.4. Remedial Training – 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 Departmental 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.
6. Supervisors may decide to apply more than one of the actions listed in #5 in order to fully address the Minor Infraction with the goal of eliminating repetition of the behavior or action. Supervisors shall document all actions taken in the Supervisor Feedback Log (SFL). Other corrective action strategies may be utilized, besides the ones listed above. In such cases the supervisor must enter into the SFL the specific action taken and the reason the decision to take such action was made.
7. Minor Infractions covered under this policy may be identified through various methods, including but not limited to: supervisor observation; member's colleague alerts the supervisor; supervisor

review, spot-check or audit of subordinate's work; after-action debrief of incident or event; or review by another BPD section (e.g., Performance Standards Section, Body-Worn Camera Unit, PIB) brings it to the supervisor's attention.

Supervisor: Taking Non-Disciplinary Corrective Action

8. Upon observing or learning of a Minor Infraction for which NDCA may be applied, first determine whether NDCA is the most appropriate strategy for addressing the action or behavior and preventing its reoccurrence.
 - 8.1. If the Minor Infraction is the third similar Minor Infraction committed by the member within the prior twelve-month period, or if you believe that NDCA will not effectively address the behavior or action, refer the incident to the PIB for formal disciplinary investigation and document any previous NDCA that has been taken to address the problem and/or why the supervisor does not believe NDCA would be appropriate.
 - 8.2. If you believe that NDCA will be appropriate to address the behavior or action, within 7 calendar days decide which method(s) you will take to address the Minor Infraction.
9. Depending on the nature of the Minor Infraction and the circumstances in the moment, it may be appropriate to immediately address the Minor Infraction, or within 7 calendar days, you will meet with the member to specifically address the concern through NDCA.
10. Document and log the NDCA(s) that you deem appropriate within seven (7) days. Be sure to check that the member understands the problem, understands the lesson to learn from the NDCA, and is clear on how to perform appropriately in the future. Repetition or asking the member to repeat or explain something back are good approaches for understanding. Upon completion of the NDCA, the supervisor must log the NDCA completion in the SFL within the 7-day time frame. If the NDCA is being completed by another entity, such as E&T, the supervisor must log the NDCA completion within 7 days of being notified by the entity. It is incumbent on the supervisor to follow-up and ensure that any NDCA coaching methods outsourced to other BPD entities, such as E&T for remedial training, are completed and documented in a timely manner.
11. Members cannot refuse to participate in NDCA. Therefore, in the event that a member does not wish to participate in NDCA, the supervisor must order their participation. If a member does not participate, the supervisor must refer them to PIB for insubordination.
12. A member who wishes to write a report to refute the alleged Minor Infraction may do so. If such a report is received, the supervisor must attach the report to the SFL entry.
13. If the supervisor is unsure whether an infraction is in fact a Minor Infraction for which NDCA is allowable, the supervisor shall consult with their supervisor and/or PIB to ensure appropriate identification of the seriousness of the infraction and the consequent available responses.

Supervisor: Logging Non-Disciplinary Corrective Action

14. Log the following information in the Supervisor Feedback Log within 7 calendar days of the Minor Infraction:
 - 14.1. What the Minor Infraction committed by the member was,

- 14.2. The date and time of the Minor Infraction, and
- 14.3. The NDCA(s) taken.
15. Logs will be reviewed by the member's Lieutenant (or Commander, if appropriate), and then by PIB, to ensure that Minor Infractions were appropriately addressed by the supervisor.
16. If PIB deems that either the behavior or action should have been referred to PIB for formal investigation or that the supervisor minimized the behavior or action in order to be able to address it through NDCA, PIB will initiate a case for the member's infraction/offense and will initiate a case to review the supervisor's actions.

Lieutenant (or Commander, if appropriate)

17. Review the Supervisor Feedback Log within 7 days of supervisor log entry for all members of your command to ensure Minor Infractions were appropriately addressed by the supervisor.
18. If NDCA was appropriately applied, forward the SFL entry to PIB for review.
19. If the supervisor did not properly apply the policy, address the areas of concern directly with the supervisor through corrective action strategies. If misconduct occurred, refer to PIB.

Member: Participating in Non-Disciplinary Corrective Action

20. Willingly participate in and comply with instructions by a supervisor who uses NDCA to deal with a Minor Infraction committed by the member. Remember that NDCA is non-punitive, and benefits members and the Department by quickly addressing Minor Infractions, allowing for member learning and growth, and continuing to build skills, capacity and trust in our agency as a whole.
21. Comply with the supervisor's order to make time to meet with them for NDCA.
22. Complete and/or follow up on any directives given to the member by their supervisor for the purpose of fulfilling NDCA.
23. Participation in NDCA ordered by a supervisor is mandatory. If a member refuses to participate, they will be referred to PIB for insubordination. If a member refutes the allegation of a Minor Infraction that led to the NDCA, the member may write a report to explain their refutation. This could include if a member believes that the supervisor is applying the policy incorrectly.
24. Prevent future Minor Infractions by applying what was learned during NDCA. If you continue to have questions or concerns, discuss them with your supervisor.

Public Integrity Bureau

25. Review Supervisor Feedback Log to ensure that Minor Infractions:
 - 25.1. Were properly identified as Minor Infractions, and
 - 25.2. To confirm that the NDCA strategy taken by the supervisor was appropriate and properly

applied to the situation at hand.

26. Initiate a formal investigation into the member and the supervisor in instances where the supervisor minimized or mischaracterized the adverse behavior or action in order to address the matter through NDCA.
27. If PIB receives BlueTeam referrals that could be handled by NDCA, PIB will send the referral back to the supervisor unless specific conditions, for example repetition of the infraction by the member, indicate that NDCA would not be appropriate for the specific case.
28. PIB will monitor the SFL to assess whether NDCAs are being applied in a consistent manner across districts and units.

ASSOCIATED POLICIES

Policy 210 *Patrol Supervisor Duties and Responsibilities*
Policy 302, *Rules and Regulations*
Policy 308, *General Disciplinary Process*
Policy 317, *Fair and Impartial Policing*
Policy 322, *Member-Involved Sexual Misconduct*
Policy 824, *Body-Worn Cameras*
Policy 1701, *Equal Employment Opportunity and Diversity*
Policy 1729, *Anti-Retaliation*

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.