

Bowie City Police Department - General Orders



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| TITLE: PERSONNEL EARLY INTERVENTION SYSTEM | | NUMBER: 324 |
| EFFECTIVE DATE: 05/15/19 | REVIEW DATE: | |
| <input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS | DATE: 10/22/15 | |

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| AUTHORITY Chief John K. Nesky | ACCREDITATIONS STANDARDS 35.1.9 | TOTAL PAGES 4 |
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I. POLICY

It is the policy of the Bowie Police Department to establish and maintain a system for tracking and reviewing incidents of potential risk to the public, the Department, and involved employees. The Personnel Early Intervention System (PEIS) shall be used to identify and assess employee performance and provide intervention where appropriate.

II. PURPOSE

The purpose of this order is to establish policy and procedures for identifying employees who may be experiencing difficulties in the workplace and to provide resources to assist the employee at the earliest stages of a problem.

Additionally, a comprehensive Personnel Early Intervention System is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase Agency accountability and offer employees assistance in correcting a problem.

The system can help reduce instances of the Agency and the employee being faced with investigations of serious cases of misconduct only to find that there was an escalating pattern of less serious misconduct which could have been abated through earlier intervention. To unnecessarily lose an employee from the profession because no measures to detect and assist employees with problems or to correct and / or improve work performance were taken is devastating, not only to the employee, but also to the Agency and the community.

Employees are the most important and crucial resource of the Agency. Supervisors will make every effort to identify employees who have issues that negatively impact their ability to effectively do their jobs and will make every effort to help employees to resolve such issues in an appropriate manner, consistent with Agency policy and procedures.

Early identification of employee's that may require additional training or remedial action can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement. An evaluation of information related to the employee's performance and

behavior should be conducted. Such information may include, but is not limited to agency performance evaluations, citizen complaints, disciplinary actions, use of force incidents, internal affairs investigations, attendance records, on-duty accidents, and injuries to determine what level of intervention is required. (CALEA 35.1.9.a)

III. DEFINITIONS

A. Employee - Any member of the Bowie Police Department, civilian, sworn, or volunteers.

B. Formal Complaint - Any complaint in which an Internal Affairs case number has been assigned.

C. Sustained Complaint - A formal complaint in which the investigation produces sufficient evidence to prove that the accused employee committed all or part of the alleged act(s) of improper conduct.

IV. COMPLAINTS (CALEA 35.1.9. b)

A. All complaints received by Internal Affairs will be maintained by the City of Bowie Police Department.

B. Cases received will be reviewed to determine if they fit the criteria to invoke the early identification system.

C. The early identification system will be activated when an officer receives:

1. Three (3) or more Internal Affairs complaints within a 12 month period, regardless of the nature of the complaint;

2. Three (3) or more sustained Internal Affairs complaints within a 12 month period; or

3. *Three (3) or more use of force incidents where the force used is that of a strike of any kind or greater within a 12 month period and/or where a suspect/person is injured.

*As the number of incidents may be a factor, it should only be viewed as one particular indicator. Reviewers of Use of Force incidents need to be aware of factors such as but not limited to circumstances of the incident and number of officers and/or suspects involved, etc. This does not prohibit Commanders and Supervisors from activating the Personnel Early Intervention System if a pattern/trend is identified where there are less than three incidents of use of force.

V. SUPERVISORS (CALEA 35.1.9.f)

A. The first and second levels of supervision are crucial elements to a successful Personnel Early Intervention System. At these levels it is important to ensure that all events are properly reported and forwarded through the chain of command as required throughout the General Orders. This documentation would include but is not limited to:

1. Use of Force reports

2. Vehicle Pursuit reports
3. Internal Affairs Investigations
4. Performance Evaluations
5. Traffic Collisions
6. Inspection Forms
7. Leave Abuse

* Supervisors are reminded that any complaints handled informally that result in counseling are to be documented on the Counseling Form (BPD Form #80) and maintained in that Supervisor's files.

- B. The first level of supervision are Sergeants. The second level of supervision includes Lieutenants and above.
- C. Upon activation of the Personnel Early Intervention System the Internal Affairs Section will send an Administrative Report to the affected employee and employee's Supervisor through the division/section Commander, notifying him/her that the Early Intervention System has been activated for this employee(s). The Administrative Report will include:
 1. The dates of the complaints/incidents;
 2. The types of complaints/incidents;
 3. The final disposition of the complaints/incidents if the cases are closed; and
 4. Discipline administered, if any.
 - a. Supervisors will review reports with the subject employee and encourage them to provide insight to the itemized incident and problems identified in the report.
 - b. The subject employee's Commander or designee and the employee's Supervisor will meet to discuss the report and other relevant information and determine if corrective actions are warranted. These actions may include but are not limited to the following:
 - i. Refer the employee to an agency-authorized mental health professional or other mental health care provider authorized by the agency;
 - ii. Require that the employee participate in agency-authorized training, targeting personal or professional problems that the officer may be facing (e.g., communications, cultural awareness, coping with stress, anger management);
 - iii. Initiate reassignment; or
 - iv. Conclude that the employee's actions do not warrant immediate need for corrective action.
- D. A report of action recommendations and justification for those recommendations will be forwarded through Internal Affairs to the Chief or his/her designee for approval. (CALEA 35.1.9.c)
- E. The affected employee's Supervisor will prepare an Administrative Report for the Division/Section Commander, outlining the findings and a personal improvement or training plan for the officer, if appropriate.

- F. The section Supervisor/Commander will review the Administrative Report to ensure that the personal improvement or training plan is appropriate. Each section Supervisor/Commander will then date and initial/sign the Administrative Report before forwarding it to the Division Commander.
- G. The Division Commander will review the written response and concur or not concur with the recommended actions. The Division Commander will then date and sign the report before forwarding it to the Chief of Police.
- H. The Chief of Police will review the Administrative Report and all comments and either concur or not concur with the report. Upon approval, the Chief of Police will notify the Division Commander who will then notify the affected member's Supervisor that the recommended actions are approved or disapproved. The Chief of Police will forward the report to the Internal Affairs Section for inclusion in the internal affairs files and to the Operations Services Division when training has been recommended. (CALEA 35.1.9)
- I. In cases where a Unit or Squad Supervisor has received enough complaints/incidents to activate the Personnel Early Intervention System, the Supervisor shall contact Internal Affairs who will determine whether or not the system should be activated as outlined in this policy. If appropriate, the Personnel Early Intervention System will be activated.

VI. COUNSELING / REMEDIAL ACTION (CALEA 35.1.9.g)

- A. It may be determined that while an incident may have resulted in an infraction of policy, the infraction is not severe enough to rise to the level of a reprimand. In such a case, an appropriate alternative to disciplinary action may be directed toward improving the member's performance through positive and constructive means such as training.
- B. When unit level counseling (which is considered informal) is used as a positive means to improve a member's performance it is not considered formal discipline, however this action still needs to be documented. A file will be maintained in division records. If training is used, an Administrative Report will be forwarded to the Operations Services Division, Education and Training Unit to be included in the officer's training records.
- C. Nothing in this policy prohibits the member from seeking assistance through internal and external sources such as the Employee Assistance Program or the Supervisor from requesting a fitness for duty evaluation when developing intervention plans.

VII. PROGRAM EVALUATION (CALEA 35.1.9. e)

- A. The Internal Affairs Section will conduct a documented annual review of the Personnel Early Intervention System in order to assess the system's effectiveness and make any necessary changes. This will take place by the end of February of each year.
- B. A copy of this review will be forwarded to the Chief of Police by the Internal Affairs Section.