

	POLICY & PROCEDURE	SERIES # 805	PAGE 1 OF 4
	<b>PERSONNEL EARLY WARNING SYSTEM</b>		EFFECTIVE DATE <b>09/20/10</b>
			OVERSIGHT <b>Prof. Standards</b>
	DISTRIBUTION <b>ALL MANUALS</b>	AMENDS/SUPERSEDES/CANCELS P&P # 07/22/02.	

I. PURPOSE:

The purpose of this policy is to establish early warning guidelines to identify any employee with a pattern of behavior (factors such as sustained Internal Affairs complaints, use of force, and firearms use incidents) that signal potential problems that may prove detrimental to the employee and/or to the efficient and effective operations of the Division, and to initiate a means of providing appropriate corrective action(s).

II. POLICY

It is the policy of the Hampton Police Division to actively monitor the conduct of all employees and to provide appropriate intervention where it is evident that behavior problems exist which have the potential of adversely affecting the employee, the employee's work performance and/or Division operations.

III. PROCEDURE

A. Identification Under the Early Warning Guidelines

1. Identification of an employee for review under the Personnel Early Warning System may originate from the following sources:
  - a. The employee
  - b. Professional Standards
  - c. The employee's supervisor, at or above the level of the immediate supervisor.
2. Any employee who is the subject of an Early Warning review, or referral, will promptly and fully cooperate with the review panel, or anyone else involved in the furtherance and completion of the Early Warning review and/or referral process. Failure by the employee to cooperate will subject the employee to Divisional disciplinary action, up to and including dismissal.
3. The provisions of this policy shall not preclude, alter, or replace the disciplinary policies of the City or Police Division for specific violations of Division Policy or Rules and Regulations.

APPROVED:  
CHIEF OF POLICE



## B. Review Panel

1. The Review Panel will participate in the employee review process. The Review Panel will meet with employees identified under the early warning guidelines. The Panel will conduct assessments of employees pursuant to the procedures of this Early Warning System. It will prepare written summaries of the evaluations. The Review Panel will also be responsible for maintaining a confidential file of each employee referred for its assessment and recommendations. These files are confidential and shall be maintained in the Office of Professional Standards.
2. The Review Panel will be comprised of three (3) members. The Professional Standards Commander will mediate the actions and recommendations of the Review Panel by providing them guidance and overseeing the process. The members of the Review Panel will be the involved employee's Senior Ranking Commander (sworn or civilian), Unit Commander and Immediate Supervisor. If the employee's chain of command does not include one or more of the aforementioned positions, a substitute member shall be appointed by the Chief of Police. If the involved employee is a Lieutenant or above the Review Panel shall be appointed by the Chief of Police.

## C. Early Warning Guidelines

The employee's chain of command, at or above the level of immediate supervisor, or Professional Standards will initiate a review of an employee's behavior by giving appropriate notification to Professional Standards when it becomes evident that any of the following conditions exist:

1. Two (2) sustained Internal Affairs complaints (not involving excessive force or violation of law), filed against the employee within a 12-month period.
2. Any sustained unauthorized use of force allegation; or 2 or more excessive use of force complaints, sustained or not-sustained (unfounded and exonerated are not included), against the employee within an 12-month period .
3. Two (2) or more firearm discharges within a 12-month period,
4. Two (2) or more separate occasions of unexcused absences from duty, to include missing court, within a 6-month period,
5. Any act or threat of violence by an employee toward another employee or employees (in conjunction with any Criminal Investigation conducted),
6. Behavior of the employee that is so unusual or inappropriate that it creates an unsafe work environment or disrupts the normal working conditions.
7. Any combination of two (2) or more of the above listed items within a 6-month period.

## D. Notification

1. When Professional Standards becomes aware that the above guidelines have been reached, they shall provide notification to the employee's Branch Commander that a review is necessary.
  2. A copy of the employee's complaint file will be provided to the appropriate Branch Commander.
- E. Upon receipt of the employee's complaint file, the Review Panel will meet with the employee to review the employee's complaint history in detail.
1. This review will be centered on the nature of the complaints received, and the circumstances surrounding each complaint. Each complaint will be thoroughly discussed to determine if any similarities or mitigating circumstances exist.
  2. The Review Panel will then meet to discuss and recommend any proposed action to be taken with the employee. This recommendation may call for no action, remedial training, or some other action on the part of the employee or the employee's supervisor. The recommendation of the Review Panel may include a mandatory referral to the City of Hampton's Employee Assistance Program (See City Policy, Chapter 6).
- F. Recommendations of the Review Panel
1. The employee's Shift (Unit) Commander, and immediate supervisor will then meet with the employee to develop a strategic plan of action to meet the recommendation of the Review Panel. If necessary a member of the Training Unit may be included in this discussion.
  2. A summary of the complaints, the recommendation of the Review Panel, and the proposed strategic plan will be prepared by the Branch Commander and presented to the Chief of Police for his consideration.
  3. The Chief of Police may call upon any of the involved parties to seek additional information regarding the meeting, the nature of the complaints, or the recommendation and strategic plan. Nothing in this policy binds the Chief of Police to the recommendations contained in the strategic plan.
  4. With the concurrence of the Chief of Police, the strategic plan will be returned to the employee through his chain of command, with a copy going to the Commander of Professional Standards for inclusion in the employee's file. This strategic plan will remain in the employee's file for two years from the date of the complaint that initiated the Review process.
- G. Follow-up
1. The employee's immediate supervisor, in conjunction with the Training Unit if necessary, will ensure that the strategic plan, if any, is set into motion and followed until completed.

2. Progress on the strategic plan will be included in the employee's annual evaluation. The employee's immediate supervisor will document completion of the strategic plan with a supplemental report to be placed in the employee's file in Professional Standards.

#### H. Annual Review

The Commander of Professional Standards or his designee shall conduct an annual review and evaluation of the Personnel Early Warning System and submit a report to the Chief of Police.

